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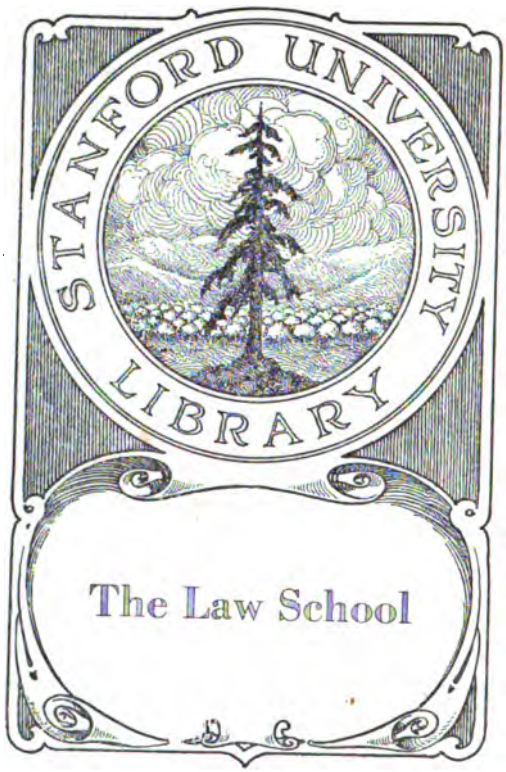
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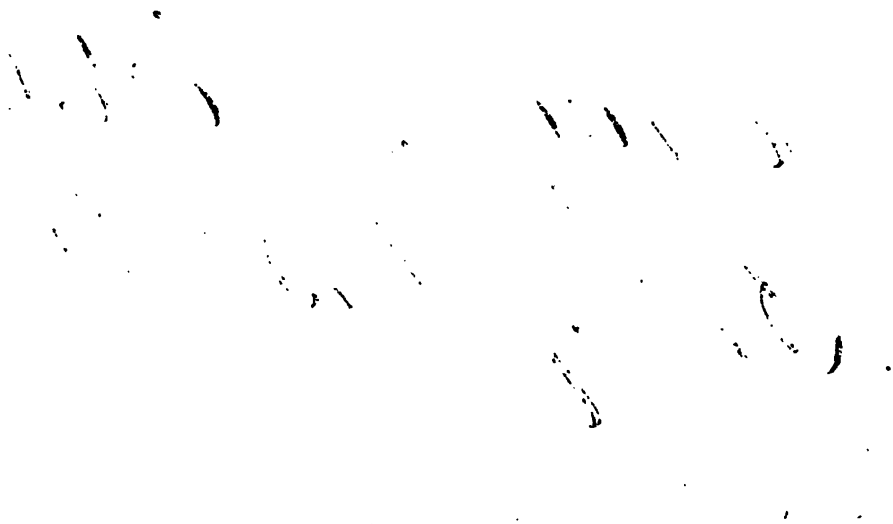

GENERAL LAWS

OF THE

STATE OF MINNESOTA

PASSED DURING THE

TWENTY-NINTH SESSION

OF THE

STATE LEGISLATURE

COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE.

OFFICIAL PUBLICATION BY SECRETARY OF STATE.

ST. PAUL:
BROWN, TREACY & CO.
1895.

L 1248

MAR 17 1930

AMENDMENT TO THE CONSTITUTION OF THE STATE ADOPTED IN THE YEAR 1894.

An amendment to section one of article nine of the constitution of the state of Minnesota authorizing the levy and collection of a tax on inheritances, devises, bequests, legacies and gifts.

SECTION 1. The following amendment to section one of article nine of the constitution of the state of Minnesota is hereby proposed to the people of said state for their approval or rejection, that is to say, to add at the end of said section the following proviso: "*And provided further*, that there may be by law levied and collected a tax upon all inheritances, devises, bequests, legacies and gifts of every kind and description above a fixed and specified sum, of any and all natural persons and corporations. Such tax above such exempted sum may be uniform, or it may be graded or progressive, but shall not exceed a maximum tax of five per cent."

SEC. 2. This proposed amendment shall be submitted to the people of said state for their approval or rejection at the next general election for the year eighteen hundred and ninety-four, and each of the legal voters of said state may, at said election, vote by ballot for or against said amendment, and the returns thereof shall be made and certified, and such votes and the result thereof declared in the manner provided by law for returning, certifying and canvassing votes at general elections for the state officers and declaring the result thereof, and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment "Yes" or "No" have voted in favor of the same, then within ten days after the result shall have been ascertained, the governor shall make proclamation thereof, and said amendment shall thereupon take effect and be in full force as part of the constitution of the state of Minnesota.

SEC. 3. The ballots used at said election on said amendment shall have printed thereon "Amendment to section one of article nine of the constitution providing for a tax on inheritances, devises, bequests, legacies and gifts, Yes—No," and each elector voting on said amendment shall make a cross mark thus: (X) in one of the two spaces left for the purpose upon the margin of the ballot used at said election, as provided in section thirty-four of chapter four of the general laws of one thousand eight hundred and ninety-one. The elector desiring to vote for said amendment shall make a cross

mark thus: (X) in the space so left opposite the word "Yes," and the elector desiring to vote against said amendment shall make a cross mark thus: (X) in the space so left opposite the word "No," and no ballots shall be counted on said amendment except those having said cross mark (X) opposite one only of said words "Yes" or "No."

[Being chapter 1 of the general laws of 1893.]

Voted upon at the general election held Nov. 6th, eighteen hundred and ninety-four, by a vote of 108,332 in favor of said amendment and a vote of 41,242 against the same.

Proclamation of the vote issued by the governor December thirty-one, eighteen hundred and ninety-four.

GENERAL LAWS

—OF—

MINNESOTA.

PASSED AND APPROVED DURING THE TWENTY-NINTH SESSION OF THE LEGISLATURE, COMMENCING JANUARY EIGHTH, 1895.

CHAPTER 1.

H, F. No. 854.

An act proposing a convention to revise the constitution of the state of Minnesota.

Proposing constitutional convention.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That at the next general election to be held in November, eighteen hundred and ninety-six (1896), the proposition, "Shall there be a convention to revise the state constitution," shall be submitted to the electors of the state of Minnesota for their decision.

Text of proposition.

SEC. 2. Each of the legal voters of said state may, at said election, vote by ballot for or against said proposition and such election shall be conducted and the returns thereof made, canvassed and certified in the manner provided by law for general elections. The form of the ballot to be used at such election shall be substantially as follows:

Form of ballot.

Shall there be a constitutional convention?	Yes.	.....
	No.	.....

The elector shall designate his vote by a cross mark opposite the word "Yes" or "No," as the case may be, in the small space or square provided therefor. If it shall appear from such canvass that a majority of the voters voting at said election have voted in favor of the same, it shall be the duty of the legislature, at its session next succeeding such election, to provide by proper enactment for calling such convention and for conducting the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

H. F. No. 875.

CHAPTER 2.

To amend Sec. 4, Art. 5 of constitution.

An act providing for an amendment to section four (4) of article five (5) of the constitution of the state of Minnesota, defining the authority and duties of the governor in relation to pardons for criminal offenses and creating a board of pardons.

Be it enacted by the Legislature of the state of Minnesota:

See Ch. 23 Gl. 1897.

SECTION 1. The following amendment to section four (4) of article five (5) of the constitution of the state of Minnesota is hereby proposed to the people of said state for their approval or rejection, that is to say, by striking from said section the following words, viz.: "And he shall have power to grant reprieves and pardons after conviction for offenses against the state," and inserting in lieu thereof the following, that is to say: "And he shall have power in conjunction with the board of pardons, of which the governor shall be ex-officio a member, and the other members of which shall consist of the attorney general of the state of Minnesota and the chief justice of the supreme court of the state of Minnesota, and whose powers and duties shall be defined and regulated by law, to grant reprieves and pardons after conviction for offenses against the state."

Text of amendment.

To be submitted at next general election.

SEC. 2. This proposed amendment shall be submitted to the people of said state for their approval or rejection at the next general election for the year eighteen hundred and ninety-six (1896); and each of the legal voters of said state may at said election vote by ballot for or against said amendment in the manner now provided for by law for voting upon amendments to the constitution and the returns thereof made and certified and such votes and the result thereof declared in

the manner provided by law for returning, certifying and canvassing votes at general elections, and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment have voted in favor of the same, then within ten (10) days after the result shall have been ascertained according to law, the governor shall make proclamation thereof and said amendment shall thereupon take effect and be in full force as part of the constitution of the state of Minnesota. Proclamation.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 26, 1895.

CHAPTER 3.

H. F. No. 30.

An act proposing an amendment to section one (1) of article seven (7) of the constitution of the state of Minnesota which relates to the elective franchise.

To amend Sec. 1, Art. 7 of constitution.
1895
95 c 3
96-M - 422
105-NW 490

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The following amendment to a part of article seven (7) of the constitution of the state of Minnesota is hereby proposed to the people of said state for their approval or rejection, that is to say, change section one (1) of article seven (7) of said constitution so that said section one (1) shall read as follows: Section as amended.

Section one (1). What persons are entitled to vote:

Every male person of the age of twenty-one (21) years or upwards belonging to either of the following classes who has resided in this state six (6) months next preceding any election shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty (30) days a resident, for all officers that now are, or hereafter may be, elective by the people.

First—Citizens of the United States who have been such for the period of three (3) months next preceding any election.

Second—Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Third—Persons of Indian blood residing in this state, who have adopted the language, customs and habits of civilization, after an examination before any district court of the state, in such manner as may be provided

by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state.

To be submitted at next general election.

SEC. 2. This proposed amendment shall be submitted to the people of said state for their approval or rejection at the next general election for the year eighteen hundred and ninety-six (1896), and each of the legal voters of said state may, at said election, vote by ballot for or against said amendment, and the returns thereof shall be made and certified, and such votes and the result thereof declared in the manner provided by law for returning, certifying and canvassing votes at general elections for the state officers and declaring the result thereof, and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment "Yes" or "No" have voted in favor of the same, then within ten (10) days after the result shall have been ascertained, the governor shall make proclamation thereof, and said amendment shall thereupon take effect and be in full force as part of the constitution of the state of Minnesota.

Form of ballot.

SEC. 3. The ballots used at said election on said amendment shall have printed thereon "Amendment to section one (1) of article seven (7) of the constitution of the state of Minnesota which relates to elective franchise, Yes—No," and each elector voting on said amendment shall make a cross mark thus (X) in one of the two (2) spaces left for the purpose upon the margin of the ballot used at said election, as provided in section twenty-eight (28) of chapter four (4) of general laws of one thousand eight hundred and ninety-three (1893). The elector desiring to vote for said amendment shall make a cross mark thus (X) in the space so left opposite the word "Yes," and the elector desiring to vote against said amendment shall make a cross mark thus (X) in the space so left opposite the word "No," and no ballots shall be counted on said amendment except those having said cross mark (X) opposite one only of said words "Yes" or "No."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1895.

Adopted Nov 3 189
107086 pro
58312 Com

95 c 4
98 - 238

CHAPTER 4.

S. F. No. 189.

An act proposing an amendment to article four (4) of the constitution of the state of Minnesota allowing cities already incorporated, and villages desiring to become incorporated as cities, to frame their own charters as cities.

To amend Art. 4 of the constitution.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The following amendment to article four (4) of the constitution of the state of Minnesota is hereby proposed to the people of said state for their approval or rejection, which amendment when so approved shall be known as section 36 of said article four (4), and shall read as follows:

Text of amendment.

"Sec. 36. Any city or village in this state may frame a charter for its own government as a city consistent with and subject to the laws of this state as follows: The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof, to be appointed by the district judges of the judicial district in which the city or village is situated, which board shall within six months after its appointment return to the chief magistrate of such city or village a draft of such charter signed by the members of said board, or a majority thereof. Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall at the end of thirty days thereafter become the charter of such city or village as a city, and supersede any existing charter and amendments thereof; *provided*, that in cities having patrol limits now established such charter shall require a three-fourths majority vote of the qualified voters, voting at such election, to change the patrol limits now established.

Before any city shall incorporate under this act, the legislature shall prescribe by law the general limits within which such charter shall be framed. Duplicate certificates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village, and authenticated by its corporate seal. One of said certificates shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the register of deeds for the county in which such city or

village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof. Such charter so deposited may be amended by a proposal therefor made by a board of fifteen freeholders aforesaid, published for at least thirty days in three newspapers of general circulation in such city or village, and accepted by three-fifths of the qualified voters of such city or village voting at the next election, and not otherwise; but such charter shall always be in harmony with and subject to the constitution and laws of the state of Minnesota. The legislature may prescribe the duties of the commission relative to submitting amendments of charter to the vote of the people.

"The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

"It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses at least one of them shall be elected by general vote of the citizens.

"In submitting any such charter or amendment thereto to the qualified voters of such city or village any alternate section or article may be presented for the choice of the voters, and may be voted on separately without prejudice to other articles or sections of the charter or any amendment thereto.

"The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than fifteen thousand inhabitants, or to cities of fifteen thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall supersede any general law of the state defining or punishing crimes or misdemeanors."

To be submitted at next general election.

SEC. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the next general election held therein, and each of the legal voters at said election may vote by ballot for or against said proposed amendment, and the returns thereof shall be certified and such votes can-

vassed and the result thereof declared in the manner provided by law for the returning, certifying and canvassing votes at the general election for the state officers and declaring the result thereof; and if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment have voted in favor of the same, then, immediately after the result shall have been ascertained, the governor shall make proclamation thereof and said amendment shall thereupon take effect and be in full force as a part of the constitution of the state of Minnesota.

Form of ballot.

SEC. 3. The ballot used at said election on said amendment shall have printed thereon: "Amendment to article four (4) of the constitution, allowing cities and villages in this state to frame their own city charters, 'Yes—No.'" And each elector voting on said amendment shall make a cross mark thus (X) in one of the spaces left for the purpose upon the margin of the ballot used at said election as provided in section 28 of chapter 4 of the general laws of one thousand eight hundred and ninety-three. The elector desiring to vote for said amendment shall make a cross mark thus (X) in the space so left opposite the word "Yes," and the elector desiring to vote against said amendment shall make a cross mark thus (X) opposite the word "No." And no ballots shall be counted on said amendment except those having said cross mark (X) opposite one only of said words "Yes" or "No."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 8, 1895.

CHAPTER 5.

S. F. No. 167.

An act proposing an amendment to section thirteen (13), article one (1), of the constitution of the state of Minnesota, relating to taking private property for public use.

To amend Sec. 13, Art. 1 of constitution.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The following amendment to section thirteen (13), article one (1), of the constitution of the state of Minnesota is hereby proposed to the people of the state for their approval or rejection, that is to say, said section shall be amended to read as follows: Private property shall not be taken, destroyed or dam-

Text of amendment.

aged for public use, without just compensation therefor first paid or secured.

SEC. 2. This proposed amendment shall be submitted to the people of the state for their approval or rejection at the next general election for the year 1896, and each of the legal voters of the state may at said election vote by ballot for or against said amendment and the returns thereof shall be made and certified to, the votes and returns thereof declared in the manner provided by law, for returning, certifying and canvassing votes at general elections and declaring the results thereof. And if it shall appear therefrom that a majority of the voters present and voting at said election upon said amendment "Yes" or "No" have voted in favor of the same, then within ten days after the returns shall have been ascertained, the governor shall make proclamation thereof and said amendment shall thereupon take effect and be in full force as part of the constitution of the state of Minnesota.

Form of ballot.

SEC. 3. The ballots of all said elections and said amendments shall have printed thereon "Amendment to section thirteen (13) of article one (1) of the constitution relating to the taking or damaging private property for public use, Yes—No." And each elector voting on said amendment shall make a cross mark thus (X), in one of the two spaces left for the purpose upon the margin of the ballot used at said election as provided in section one hundred (100) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893).

The elector desiring to vote on said amendment shall make a cross mark thus (X), on the space left opposite the word "Yes," and the voter desiring to vote against said amendment shall make a cross mark thus (X) in the space opposite the word "No," and no ballots shall be counted on said amendment except those having said cross mark opposite one only of said words "Yes" or "No."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 23, 1895.

CHAPTER 6.

S. F. No. 825.

An act to amend article eight (8) of the constitution of the state of Minnesota relating to school funds, education and science.

To amend Art. 8 of constitution.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The following amendment of article eight (8) of the constitution of the state of Minnesota is hereby proposed to the people for approval or rejection, that is to say, that said article eight (8) be amended by adding thereto the following section, viz.:

Text of amendment.

Sec. 6. The permanent school and university fund of this state may be invested in the purchase of bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the issue of which the same in part would make the entire bonded indebtedness exceed seven per cent of the assessed valuation of the taxable real property of the county, school district, city, town or village issuing such bonds; nor shall such loans or indebtedness be made at a lower rate of interest than three per cent per annum nor for a shorter period than five (5) years nor for a longer period than twenty (20) years, and no change of the town, school district, village, city or county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of the issuing of such bonds from any liability for taxation to pay such bonds.

To be submitted at next general election.

SEC. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at general election occurring next after the passage of this act, and the qualified electors of the state in their respective districts may at such election vote for or against said amendment by ballot; and the returns thereof shall be made and certified within the ıe, and such votes canvassed and the result thereof :lared in the manner provided by law with reference the election of state officers, and if it shall appear ereupon that a majority of the electors present and ting for or against the proposed amendment to the nstitution, as provided in the next section, have ted in favor of the same, then the governor shall make oclamation thereof, and such amendment shall take ect and be in force as a part of the constitution.

Form of ballot.

SEC. 3. The ballots used at said election on said amendment shall have printed thereon "Amendment of article eight (8) of the constitution providing for loaning the permanent school and university fund to cities, villages, towns, counties and school districts, Yes—No," and each elector voting on said amendment shall place a cross mark thus (X) in a space to be left opposite either the word "Yes" or the word "No," and shall be counted for or against the proposition in accordance with the expressed will of the elector as provided by the election laws of the state.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 11, 1895.

S. F. No. 4.

CHAPTER 7.

To amend Art. 9 of the constitution.

An act proposing an amendment to the constitution of the state of Minnesota, to authorize the taxation of the property of sleeping, drawing room and parlor car, and other companies and owners, in the manner therein provided.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The following amendment to the constitution of the state of Minnesota is hereby proposed to the people of said state for approval or rejection, that is to say, to add at the end of article 9 thereof an additional section, to be appropriately numbered, and to be as follows:

Text of amendment.

"The legislature may impose, or provide for the imposition of, upon the property within this state of any and all owners or operators, whether corporate or individual, or otherwise, of any and all sleeping, parlor and drawing room cars, or any or either of the same, which run in, into or through this state; also upon the property within this state of any and all telegraph and telephone companies, or owners, whose lines are in, or extend in, into or through this state; also upon the property within this state of all express companies, or owners, or any or either of the same, doing business in this state; also upon the property within this state of all domestic insurance companies of this state of any kind; also upon the property within this state of any and all foreign insurance companies doing business in this state of any kind; also upon the property within this state of all owners or operators of any and all

mines or of mineral ores situated in this state; also upon the property within this state of all boom companies or owners, and of all ship builders or owners doing business in this state or having a port therein; *provided*, that this act shall not apply to property owned by railroad companies, their lands and other property; and upon the property of either or any of such companies or owners a tax, as uniform as reasonably may be with the taxes imposed upon similar property in said state, or upon the earnings thereof within this state, but may be graded or progressive, or both, and in providing for such tax, or in providing for ascertaining the just and true value of such property, it shall be competent for the legislature, in either or all of such cases, to impose such tax, upon any or all property thereof within this state, and in either case by taking as the basis of such imposition the proportionate business, earnings, mileage or quantity of production or property now or hereafter existing of any such companies, persons or owners, transacted or existing in this state, in relation to the entire business, mileage or quantity of production or property of such companies, persons or owners as aforesaid; or in such other manner, or by such other method, as the legislature may determine; but the proceeds of such taxes upon mining property shall be distributed between the state and the various political subdivisions thereof wherein the same is situated in the same proportion as the proceeds of taxes upon real property are distributed; *provided further*, that nothing in this act contained shall operate to authorize the assessment or taxation of land or ordinary business blocks or property owned by any such corporation, person, firm or company except in the manner provided by the ordinary methods of taxation."

To be submitted at next general election.

SEC. 2. This proposed amendment shall be submitted to people of said state, for their approval or rejection, at the next general election for the year 1896. Each of the legal voters of said state may, at said election, vote by ballot for or against said amendment, and such election shall be conducted and the returns thereof made, certified and canvassed, and the result thereof proclaimed, in the manner provided by law, save that it shall be sufficient to state upon the ballots prepared therefor, as follows:

Form of ballot.

"Constitutional amendment providing for the taxation of sleeping car and other companies, and owners," etc., "Yes, No," but this shall not preclude the adoption of said amendment in any manner whatsoever. If it shall appear from such canvass and proclamation that a majority of the voters voting at said election upon said

amendment "Yes" or "No" have voted in favor of the same, said amendment shall, upon such proclamation, take effect and be in full force as part of the constitution of the State of Minnesota.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 26, 1895.

S. F. No. 22.

CHAPTER 8.

Incorporation of cities.

An act to provide for the incorporation, organization and government of cities.

Be it enacted by the legislature of the state of Minnesota:

95 C 8
74-M - 181
78-NW 867
84-NW 654

CHAPTER I.

ORGANIZATION.

Who may incorporate.

SECTION 1. Original incorporation.—The inhabitants of contiguous territory, not organized as a city and having not less than one thousand (1,000) population, may become incorporated as a city by majority vote of the qualified electors resident therein at an election called for that purpose as hereinafter set forth.

Petition filing.

95 c 8
94-M - 451
103-NW 218
96-M - 290
104-NW 1077
97-M - 373
107-NW 393
97-M - 402
106-NW 177
5-LRA (n s) 327
6-LRA (n s) 198

SEC. 2. Petition.—A petition stating the proposed corporate name, the population and a definite description of the territory sought to be incorporated, which shall be signed by such number of resident electors as shall equal one-quarter (¼) of the votes cast in said territory at the last preceding general election, shall be filed in the office of the county auditor and presented to the board of county commissioners of the county wherein the territory or the greater portion thereof is located.

Auditor to publish notice.

SEC. 3. Notice.—Said county auditor within ten (10) days after the filing of such petition shall cause a notice setting forth the contents of the petition and the fact of the filing thereof to be published in the official paper of the county, and in case there is no official paper of the county, then in some newspaper of general circulation published in the county.

Name, change of.

SEC. 4. Name.—A petition proposing another and different name for such proposed city, when signed by at least one-half (½) as many of the resident electors of said territory as are required for the petition for original incorporation as above prescribed, may be presented to said board of county commissioners at any time before they shall have acted upon said original petition.

Adjoining territory may be included.

SEC. 5. Adjoining territory.—Qualified electors residing upon territory adjoining that sought to be incorporated, numbering not less than one-fourth (¼) of the number of votes cast in said territory at the last preceding general election, may at any time before said original petition is acted upon by the said board of county commissioners, sign and present to said board a petition containing a statement of the population and a definite description of such adjoining territory, and requesting that the same be included in such proposed city.

County commissioners to act upon petition.

SEC. 6. Election.—Said board of county commissioners at their first regular meeting (occurring more than ten (10) days after the publication of the notice of such petition for original incorporation), shall act upon the same and order an election to be held not less than twenty (20) nor more than forty (40) days after the date of such meeting upon the question of the incorporation of the territory described in such petition, and upon such other propositions in regard to the name therefor, and including of the adjoining territory, as may be presented.

Election districts, how divided.

SEC. 7. Election districts.—Said board shall also at said meeting divide such territory into election districts, in case the same contains a greater number of electors than that prescribed by law for one election district at general elections, and shall fix the boundaries of such districts, and designate the place for holding the election in each thereof; *provided*, that the territory described in the original petition shall constitute at least one election district and the territory described in any petition to include adjoining territory shall constitute at least one election district, and shall appoint three (3) qualified electors of each election district to act as judges of the election therein, and provide poll lists, ballot boxes, booths, polling places and all other appurtenances of said election.

Election notice, publishing.

SEC. 8. Election notice.—Said board shall also cause to be published in the official paper of the county, and in case there is no official paper of the county, then in some newspaper of general circulation published in the county and designated by them for that purpose, at least once a week for two successive weeks prior to the date fixed for such election and notice thereof containing the time and place, or places, of holding the same, and the description of the election districts, and the names of the judges of election appointed, and a statement of the propositions to be voted upon, and shall cause copies of such notice of election to be posted at least ten (10) days before the date fixed for

the same, in three (3) public places in each election district.

Elections. How conducted.

SEC. 9. Elections—how conducted.—Such elections shall be conducted in all respects as required by law for city elections, and electors thereat shall have all the qualifications of electors at such general elections.

Form of ballot.

SEC. 10. Form of ballot.—The form of ballot to be used at such election in the territory described in the original petitions shall be substantially as follows: "Proposition to incorporate certain territory as a city by the name of.....

Yes.....
No....."

In case more than one name is proposed as aforesaid for such city, each name proposed shall be printed in a separate line below the proposition to incorporate. In case a proposition to include adjoining territory be submitted, the same shall be printed below such original proposition substantially as follows: "Proposition to include certain territory in such proposed corporation.

Yes.....
No....."

In case more than one proposition to include adjoining territory be submitted, a brief description of the territory embraced in each proposition shall be printed on said ballot, and all such ballots shall be printed as nearly as may be in conformity with the requirements of the general election law.

Adjoining territory form of ballot.

In adjoining territory sought to be included as aforesaid in such proposed city, the only question submitted shall be the proposition to include the same in such proposed city, and the form of ballot to be used at such election in such territory shall be substantially as follows: "Proposition to include this territory in proposed city.

Yes.....
No....."

Manner of voting.

SEC. 11. Manner of voting.—Each elector desiring to vote in the affirmative upon such proposition shall mark an "X" after the word "Yes" after the same, and each elector desiring to vote in the negative upon any such proposition shall mark an "X" after the word "No" after the same, and in case more than one name be proposed, each elector shall indicate his choice by marking an "X" after the name for which he desires to vote.

Election returns to county auditor.

SEC. 12. Election returns.—The votes cast at each election shall be counted, and returns thereof made to said county auditor in like manner as returns of gen-

eral elections are required to be made, and all ballots voted and appurtenances used at such election shall be deposited in the office of said county auditor.

Canvass of returns by county commissioners.

SEC. 13. Canvass of returns.—Said county auditor, upon the receipt of the returns of said election, shall call a meeting of the board of county commissioners of the county to be held within ten (10) days thereafter, at which meeting said board of county commissioners shall canvass said returns. In case the proposition to incorporate shall have received a majority of all the votes cast thereon within the territory described in the original petition, said proposition shall be deemed to have prevailed, and the name which shall have received the greatest number of votes shall be deemed to have been adopted. In case any proposition to include adjoining territory shall have received a majority of all the votes cast thereon, both in the territory described in the original petition and in such adjoining territory, said proposition shall be deemed to have prevailed.

Certificate by county commissioners.

SEC. 14. Certificate.—Said board of county commissioners shall thereupon issue their certificate of the result of the canvass upon each proposition so prevailing, together with a description of the territory incorporated, and a statement of the population in the same as appears from said petition or petitions, and shall cause a map or plat of said territory to be made, and said map or plat and said description and certificate to be filed for record forthwith in the office of the secretary of state, and copies thereof filed for record in the office of the register of deeds of each county of which said territory or any portion thereof is located, and thereupon said territory shall be and become a city and be known by the corporate name adopted as aforesaid.

Election of city officers.

SEC. 15. Election of officers.—At such meeting said board of county commissioners shall call an election for the election of city officers as provided by this act, to be held not less than twenty (20) nor more than forty (40) days thereafter, and shall prescribe the same election districts as at the election for incorporation, and shall appoint three (3) judges of election for each such election districts, not more than two of whom shall belong to the same political party, and shall make all other provisions for such city election in the manner herein provided for election upon the question of incorporation.

Election notice. Publication.

SEC. 16. Election notice.—Said board shall also cause to be published in the official paper of the county, and in case there is no official paper of the county, then in some newspaper in general circulation

published in the county and designated by them for that purpose, at least ten (10) days before the time fixed for such election, a notice thereof containing a list of the officers to be elected, and a description of such election district, and list of judges and polling places designated therefor. They shall also cause notices of such election to be posted in three (3) of the most public places of each such election district at least ten (10) days prior to the date fixed for such election. Such election shall be conducted in all respects as required by law for elections for city officers in cities under the provisions of this act, and returns thereof shall be made to the county auditor of the county where said original petition was filed.

Canvassing votes.

SEC. 17. Canvass of votes.—The county auditor upon receipt of the returns of such election shall call together a like board of canvassers as provided by law for the canvassing of returns of general elections, said board of canvassers at like times and in like manner shall canvass said returns and declare the result thereof, and shall designate a place within said city and fix a time not more than ten (10) days after the declaration of such result, when and where the city council of such city shall meet and organize. They shall also give notice of the election, and of such time and place for the meeting of the city council, to each person declared elected at such election, and the person so declared elected shall at such prescribed time and place meet and organize the city government.

Annexing adjoining territory.

SEC. 18. Annexing adjoining territory.—Any territory not included in any incorporated city or village, but adjoining any city existing under the provisions of this act, may be annexed thereto and become a part thereof, as follows: Upon the petition therefor of at least one-fourth (¼) of the resident electors of the territory desired to be annexed, setting forth the population and a definite description of such territory, the city council of such city may order a special election to be held in such territory upon the question of the annexation thereof to such city, notice of which election shall be given and provision made therefor, and the same shall be held and conducted in conformity with the provisions of this act relative to the incorporation of unorganized territory, and every act and thing necessary to be done by, and all authority vested in the board of county commissioners, and the county auditor of the county in which such city is located relative to proposed incorporation of unorganized territory, shall be done by and vested in the city council and the city clerk of such city, respectively; *provided*,

Petition.

that nothing in this section contained shall authorize any city or village lying wholly within one county or any portion of the people thereof to become attached to or become a part of any city lying within another county without a vote in favor thereof by a majority of each board of county commissioners of the respective counties to be affected thereby; *provided, further,* that whenever there may be a lot or tract of land immediately adjoining such city and located in the same county upon which no one but the owner or owners are residing, but said owner desires annexation to said city, said owner or owners of said tract may petition said city council for the annexing of such territory, and such council may by ordinance annex such territory and therein designate to what ward or wards such annexed territory shall belong; *provided, further,* that such territory shall be in no wise released thereby from taxation for past indebtedness of the town in which the same is situated, and that a copy of such petition and ordinance shall be filed with the county auditor within thirty days after its passage.

Territory in different counties.

Individual owners annexed.

SEC. 19. Form of ballot.—The ballot to be used at such election shall be in substantially the following form: "Proposition to annex certain territory to the city of.....

Yes.....

No....."

Such ballots shall be printed and voted as herein required relative to the original incorporation of cities, and such votes shall be counted and returned to the city clerk and city council, and by such city council canvassed and the result thereof declared, and in case said proposition prevails, a map or plat and a description of the territory annexed and a certificate of the result of such election, together with the order or approval of the city council, shall be filed and recorded as hereinbefore prescribed in case of the original incorporation of cities.

Form of ballot.

SEC. 20. Judicial notice.—All courts in the state shall take judicial notice of the organization, reorganization and existence of all cities under the provisions of this act.

Judicial notice of organization.

SEC. 21. Reorganization of existing cities.—Any existing city, whenever the general or special law under which the same exists is repealed, shall by operation of law become incorporated under the provisions of this act, with its existing boundaries and corporate name, and without regard to the population thereof; *provided,* that nothing in this act contained shall be taken or construed as changing or repealing in any manner

Reorganization of cities.

any general or special law governing or regulating any existing municipality in this state until such time as such municipality shall accept this act in the manner herein provided or the laws governing such municipality are repealed by some legislative act other than or outside of this act.

Existing cities and villages may adopt this act by ordinance and vote of people.

SEC. 22. Same subject.—Any city or village having a population of not less than one thousand inhabitants now existing in this state may also become subject to the provisions of this act, and the city or village council and the legal voters of said city or village may affect the same by an ordinance of said city or village duly passed by an affirmative vote of three-fourths of all the members of the city or village council, and approved by the mayor of such city or village in the manner provided by the charter of such city or village. Upon the return of said ordinance to said city or village council without the mayor's approval an affirmative vote of four-fifths of all its members shall enact such ordinance and the same shall have the same force and effect as if approved by the mayor. A certified copy of such ordinance accompanied by a statement of the vote thereon with the names of the members of the city or village council voting for and against the same and a statement showing the vote of the people of said city or village for and against the adoption of the same shall be forwarded to and filed in the office of the secretary of state after the adoption of such ordinance by the people of such city or village. Such ordinance shall not go into force or be of any effect until the same shall have been adopted by a vote of the electors of said city or village as hereinafter provided.

Ordinance to be filed with secretary of state.

Ordinance to be submitted to people.

SEC. 23. Same subject.—When such ordinance shall have been adopted as provided in the last preceding section the city or village council shall by ordinance submit the question whether such city or village shall become incorporated under and subject to the provision of this act to a vote of the electors of such city or village at the next ensuing city or village election, occurring not less than forty days after the passage and approval of the ordinance provided for in section 22, or when no regular election is to occur within ninety (90) days thereafter, a special election may be called and held for the purpose of acting thereon. In case no such ordinance shall have been adopted as provided for in said section 22, upon petition therefor of one-eighth of the number of legal voters of such city or village voting at the last preceding city or village or general election the city or village council shall by ordinance submit the question whether such city or

village shall become incorporated under and subject to the provisions of this act to a vote of the electors of such city or village occurring not less than forty days after the presentation of such petition.

Thirty days' notice of election.

SEC. 24. Notice.—The city clerk of such city or village shall either upon the passage of the ordinance provided for in section 22 or upon the passage of the ordinance provided for in section 23, give at least thirty days' notice that said question will be submitted to the electors of the city or village at such election by posting at least five copies thereof in each ward and also by publishing the same in one or more newspapers published in said city or village, as the city or village council may direct.

Requires majority vote.

SEC. 25. Vote necessary to adopt.—If a majority of the votes cast at such election upon such question shall be in favor of said city or village becoming incorporated under and subject to the provisions of this act, and said proposition shall be deemed to have prevailed, and the city or village clerk of said city or village shall within ten (10) days thereafter file in the office of the secretary of state a certificate of the result of such election, together with a statement of the vote thereon, and a copy of the ordinance submitting the same to the electors.

Incorporation completed—when.

SEC. 26. Incorporation completed—when.—Upon the filing of such certificate, statement of vote, and copy of such ordinance with the secretary of state as aforesaid, said city or village shall become an incorporated city or village under and subject to the provisions of this act, and thereafter governed, controlled and regulated thereby.

City officers to serve out their terms.

SEC. 27. Existing officers.—The city officers of such city or village at the time of its reorganization under the provisions of this act as aforesaid shall thereafter exercise the powers conferred upon like officers in this act to the ends of their respective terms and until their successors are elected and have qualified, and all laws and parts thereof not inconsistent with the provisions of this act shall continue in force and be applicable to such city or village the same as if such reorganization had not taken place, and no reorganization shall be construed to be a repeal or surrender of any rights, powers, privileges or franchises theretofore by law conferred upon such city or village, and not inconsistent with the provisions of this act, and all property and estates whatsoever of such city or village shall be and remain severally and respectively vested in such city or village unchanged, and as before said reorganization, and all proceedings for the acquirement of parks and park-

Existing laws, not inconsistent, to remain in force.

ways, the making of local improvements, and the making and collecting of assessments therefor, which have been finally ordered before the date of such reorganization, shall be proceeded with and completed in the same manner and by the same officers as if such reorganization had not taken place and all suits, prosecutions, debts, taxes and claims whatever, belonging to said city or village shall be sued for, recovered and collected under and by virtue of the provisions of law governing such city or village prior to such reorganization, and all proceedings therefor commenced before such reorganization shall be proceeded with as though no change had been made; and all rights, claims and demands of whatever nature existing prior to such reorganization shall remain in full force, and shall be sustained, enforced and collected as though no such reorganization had taken place.

Claims remain unimpaired.

Separate districts.

SEC. 28. Separate districts.—The territory originally incorporated into a city or annexed to an existing city as aforesaid shall thereafter cease to be a part of any township or other organization for any purpose whatsoever, except for county purposes, and such city, including all territory annexed thereto under the provisions of this act, shall constitute at least one separate road district, at least one separate assessment district, at least one independent school district, and at least one election district.

City territory in different counties.

SEC. 29. Cities located in more than one county.—In case any city organized and existing under the provisions of this act is located in more than one county, all taxes and assessments levied therein shall be paid to the treasurer of the county in which the property upon which the same was levied or assessed is located, and all portions thereof levied or assessed for city purposes shall be by said treasurer paid to the city treasurer of said city as hereinafter provided.

Consolidation of cities.

SEC. 30. Consolidation of cities.—Any two or more cities existing under the provisions of this act, comprising contiguous territory, may be consolidated as one city by a majority vote of the qualified electors of each of the same at an election called for that purpose, as follows:

Petition for consolidation —committee.

Whenever a petition requesting the same, signed by at least one-fourth (¼) of the qualified electors of such city, who shall have voted therein at the last preceding general or city election, shall be presented to such city council, such city council shall appoint a committee of its members, who shall notify the city council of each adjoining city of the presentation of such petition. In case the city council of such adjoining

city approve of such proceeding; or in case a petition signed by at least one-fourth (¼) of the qualified electors of such adjoining city, who shall have voted therein at the last preceding general or city election, shall be presented to the city council thereof requesting the same, a committee shall be appointed thereby, who shall meet said first named committee at the seat of government of such first named city at such time as may be designated by the first named committee, and the two committees acting jointly shall fix the date for an election to be held not less than thirty (30) nor more than sixty (60) days thereafter, when the question of such consolidation shall be submitted to the people of both cities, and thereupon the city council of each such city shall arrange for the holding of such election, which election shall be held and conducted, and returns thereof made in each of such cities, in all respects as prescribed by law for the conduct of city elections; *provided*, that nothing in this section contained shall authorize the consolidation of two or more cities lying wholly within separate counties, without a vote in favor thereof by a majority of the respective boards of county commissioners of the counties wherein each of such cities exist.

Joint committees.

Election to decide consolidation.

SEC. 31. Form of ballot.—The ballots to be used at such election shall be in substantially the following form: "Proposition to consolidate the cities of..... ....and.....

Yes.....

No....."

Form of ballot.

which ballots shall be voted as required in case of original incorporation.

SEC. 32. Corporate names.—Corporate name for such consolidated city may be proposed by the city council of each of such existing cities at any time before the election is ordered, all which names shall be printed upon the ballot below the proposition to consolidate, and shall be voted upon in like manner as prescribed in like cases in original incorporation hereunder.

Corporate names to be voted on.

SEC. 33. Election returns.—The votes cast at such election shall be counted, returned and canvassed in each of such cities, as provided by law in elections for city officers, and the declaration of the results thereof shall be made by the respective canvassing boards of such cities to such joint committee. Said joint committee shall meet in the same place and upon like notice as prescribed in the first instance, within thirty (30) days after such election to consider the declarations of said canvassing boards. If the proposition to consolidate shall have received a majority of the votes

Election returns.

cast thereon in each of said cities, then said proposition shall be deemed to have prevailed, and such cities shall become one corporation, to be known by the corporate name which shall have received the highest number of votes cast thereon, and the certificates of each said board of canvassers or duly certified copies thereof, and a statement of the population of such consolidated city made by said committee, shall be filed and recorded in the office of the secretary of state.

Old officers to hold over till next election.

SEC. 34. After such consolidation, the government of each of such cities shall continue as before until the qualification of officers elected at the ensuing city election, as provided by law, which election shall be called in each of such cities by the acting officers thereof, as provided by law. At such election there shall be elected an entirely new complement of officers and members of the city council, the existing wards and districts of such cities remaining the same, and each being entitled to its quota of officers, as provided by law. The votes cast at such election shall be counted, returned and canvassed, and the results thereof declared by the city councils of such former cities, as provided by law. At the times fixed by law for the commencement of the terms of officers elected at such election, such former cities shall cease to exist, and such consolidated city shall be a corporation by the name aforesaid, and shall succeed to all rights and property, and be charged with all the debts and obligations of each of such cities, incurred before and existing at the time of such consolidation, which debts and obligations shall be paid by taxes levied solely upon the property within the limits of the former city, in and by which such debts and obligations were severally incurred.

New officers.

Consolidated city to succeed to all property and liabilities of the old cities.

Terms of officers.

SEC. 35. Terms of officers.—Upon the original incorporation of any city, terms of all officers elected at the first election therein, as above provided, shall extend to the beginning of the terms of their successors elected at the first succeeding regular city election under the provisions of this act, which successors shall be elected for full terms, as herein provided. In case of the reorganization of an existing city the same shall become incorporated according to the provisions of law then applicable thereto, and the officers of such city then serving or duly elected shall perform the duties of their respective offices, until the expiration of their terms, and their successors shall be elected or appointed for full or partial terms, as the case may be, to conform to the provisions of this act, and in case of the organization of any city under the provisions of this act, if the terms of any city officer elected by the

people in such city shall not extend beyond the time at which an election will occur under the provisions of this act, then in such case an election shall be held in such city at the time provided by existing law for elections in such city prior to the adoption by such city of this act; at which election city officers shall be elected to succeed all officers whose term of office for which such officers were elected, expire prior to the next succeeding election under the provisions of this act, and the terms of such officers so elected shall be until the first Tuesday after the first Monday of January succeeding the first election to be held under the provisions of this act, and at such first election officers shall be elected under and to carry out the provisions of this act.

Wards, how determined.

SEC. 36. Wards.—All cities which shall have been reorganized or consolidated under the provisions of this act shall be divided into wards as the same shall exist at the time of such reorganization or consolidation, except that in the event of consolidation the respective numbers of one or more wards may be changed as the city council may determine; and shall thereafter be redivided into wards as follows: Cities of more than thirty thousand (30,000) population into not less than ten (10) nor more than fifteen (15) wards, and cities of thirty thousand (30,000) population or less into not more than ten (10) wards, the same to be so divided by ordinance duly passed by a majority vote of all the members of the first city council of the city wherein such division is made, the members of which city council shall have been elected and qualified pursuant to the provisions of this act, the same to be done at the second regular meeting of such city council, or as soon thereafter as practicable, and to take effect at the then next ensuing city election, and all the provisions of section thirty-eight (38) of this act, so far as consistent with this section, to apply thereto. The boundaries of wards so established shall thereafter be changed, extended or re-established as hereinafter provided, except that in the event of the annexation of adjoining territory, the city council of the city interested may add the same to any existing ward, or establish one or more additional wards, not to exceed in all the maximum number herein established. In any city originally incorporated under the provisions of this act, the first city council thereof shall divide the same into wards as in this section provided, and all the provisions of this section shall apply thereto as far as the same may be applicable.

When divided.

Change in wards.

Estimating population.

SEC. 37. Population.—The population of any city, for the purpose of this act, shall be determined by the

last preceding United States or state census, and the population of territory not organized as a city shall be estimated and taken to be five (5) times the number of the qualified electors who shall have voted therein at the last preceding township or general election.

Reorganization of wards.

SEC. 38. Reorganization of wards.—The city council of each city may after each state and federal census, by resolution by a two-thirds vote, apportion said city into wards of convenient, adjacent and contiguous territory, but such apportionment shall be made but once within the period of five (5) consecutive years. Whenever the wards or districts of the city are apportioned anew, such apportionment shall take effect at the next ensuing city election, and all officers and members of the city council previously elected, and whose successors would not be otherwise elected at such election, shall hold their respective offices for the unexpired portion of their terms as representing the wards or districts within which they reside. And in case any such ward or district shall prove to have more than its proportion of resident hold-over officers or members of the city council, then such hold-over officers or members shall be appointed to, and represent some ward or district created in whole or in part of that in which they were elected, which apportionment of officers shall be made by the city council at the time of the apportionment of the wards and districts.

When to take effect.

Detaching territory from the city.

SEC. 39. Detaching territory. — Any territory included in any city under this act may become detached from any such city upon the question of such detachment being submitted to a vote of the whole of such city at any general city election, and such proposition receiving the majority of all of the votes cast at such election upon such proposition. The city council of such city shall submit the same to a vote of the people after a petition shall have been filed with the city clerk, signed by a majority of the legal voters residing in such territory, or upon the order of the city council without such petition, and the same shall be submitted and voted upon throughout the whole city and the returns of the votes canvassed in the same manner as provided in this act for the annexing of unorganized territory to cities by a vote of the people.

General powers.

SEC. 40. Powers.—The cities existing under the provisions of this act shall be and continue bodies corporate and politic under their several names, and by such names shall have perpetual succession, and be vested with the following general powers: To sue and be sued; to plead and be impleaded; defend and be defended in all courts of law and equity; to purchase,

receive and hold property, real and personal, to be used for city purposes only; to sell, lease, or otherwise dispose of any property for the benefit of such city; to receive bequests, gifts and donations of all kinds of property, within and without the city, either in fee simple or in trust, for the benefit of the city, and to do all acts necessary to carry out the purposes such bequests, gifts and donations, and to sell, lease or otherwise dispose of the same; to have and use a common seal and to alter the same at pleasure; to contract and be contracted with; to levy general and special taxes; to grant licenses, franchises, immunities and privileges not inconsistent with the constitution and laws of the United States and of this state, and revoke the same; and generally to do every act and thing properly within the province of municipal corporations at common law, to have and exercise all the powers conferred by this act.

CHAPTER II.

ELECTION, APPOINTMENT AND DUTIES OF OFFICERS.

Elective officers.

SEC. 41. Elective officers.—The elective officers of cities shall be mayor, treasurer, one ward alderman elected from each ward and aldermen elected from the city at large; the number of aldermen elected at large to be as follows:

Number of aldermen.

In cities with six wards or less, two aldermen shall be elected from the city at large; in cities having more than six wards and less than ten wards, four aldermen shall be elected from the city at large; in cities having ten or more wards, eight aldermen shall be elected from the city at large.

Cities of 30,000 and more.

In cities with a population of 30,000 or more, there shall be elected in addition to the officers above provided for, a city comptroller. In all cities wherein there are any justices of the peace, judges of the municipal court or other city officers except school officers not provided for by this act, who are elected by the people such officers shall be elected at the city election held under this act, but shall qualify at the time and hold such offices for terms provided by the laws under which such offices exist.

Time of election.

SEC. 42. Time of election.—The regular city election shall be held on the first Tuesday after the first Monday in November of each odd numbered year.

Terms of elective officers.

SEC. 43. Terms of elective officers.—The terms of officers elected by the people under this act shall be two years; *and provided*, that where there is in any city reorganized under this act under the laws governing such city prior to such reorganization, a legislative

body, the members of which are elected at large, they shall serve as aldermen at large under the provisions of this act to the ends of the terms for which they were respectively elected, and where, in any city reorganized under this act, there is, under the law governing such city prior to such reorganization a legislative body, the members of which are elected by wards, such members shall serve as ward aldermen under the provisions of this act to the end of the terms for which they were respectively elected, and at the city elections respectively next preceding the expiration of the terms of such existing aldermen at large or ward aldermen, successors shall be elected for partial or full terms, to conform to the provisions of this act. *And provided further*, that at the first election in any city originally incorporated under the provisions of this act, five aldermen shall be elected from the city at large and no other aldermen shall be elected at such election. Such aldermen at large shall serve until the then next city election and until the aldermen elected thereto shall have qualified, as provided in section 44 hereof. At the said second city election there shall be elected aldermen as in this section provided for the first election held under this act.

Commencement and end of term.

SEC. 44. Commencement and end of term.—The term of each elective officer, unless herein otherwise provided, shall commence on the first Tuesday after the first Monday in January next succeeding his election; and all officers elective and appointive shall serve to the expiration of their respective terms and until their successors are elected or appointed and have qualified, except when removed as herein provided.

Removal of officers.

SEC. 45. Removal of officers.—Every person appointed to any office under the provisions of this act may be removed from such office by a vote of two-thirds of all the members of the city council, except as otherwise provided in this act; but no such officer shall be removed by the city council except for cause, nor unless he has first been furnished with a copy of the charges, nor until he shall have had reasonable opportunity to be heard in person or by council in his own defense. The city council shall have power to fix the time and place for the trial of such officer, of which he shall be given not less than ten (10) days' notice, to compel the attendance of witnesses and the production of papers, and to hear and determine the case. If such officer shall neglect to answer to such charge, the same shall be cause for removal.

Vacancy—how filled.

SEC. 46. Vacancy—how filled.—Whenever a vacancy shall occur in the office of any officer elected by the

people or appointed by the city council, such vacancy shall be filled by appointment by the city council for the unexpired term.

Plurality elects.
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SEC. 47. What shall constitute an election.—A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council, at such place and in such manner as they may direct. Officers appointed by the city council shall receive a majority vote of all its members to constitute an appointment.

Casting lots in case of tie.

Removal, refusal or failure to act vacates offices.

SEC. 48. Removal, refusal or failure to act.—Any officer removing from the city or ward for which he was elected or appointed, and any officer elected under the provisions of this act, who shall refuse, or without cause neglect to enter upon the discharge of the duties of his office for ten (10) days after the beginning of the term which he was elected to fill, he having at least ten (10) days prior thereto been notified by the city clerk of his election, or any officer appointed under the provisions of this act who shall refuse or neglect to enter upon the discharge of the duties of his office for ten (10) days after receiving notice from the city clerk of his appointment, shall be deemed to have vacated or abandoned the same.

Resignation.

SEC. 49. Resignation.—Any officer having entered upon the duties of his office may resign the same by and with the consent of the city council.

Oaths and bonds.

SEC. 50. Oaths and bonds.—Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, comptroller, and such other officers as the city council shall require, shall severally, before they enter upon the duties of their office, execute to the city bonds in such amounts and upon such conditions as the city council may prescribe. Such bonds shall be approved by the city council, and it may from time to time require new or additional bonds, and it may remove from office any officer neglecting or refusing to give same.

No city officer to be interested in city contract.

SEC. 51. Interest in city contract disqualifies for holding office.—No mayor, member of the common council or other city officer, shall while such mayor, member of the common council, or other city officer, vote for, or make any contract in behalf of said city or any department of said city, with himself or with any firm of which he is a member, or with any corporation or association of which he is an officer or director,

nor shall he be in any manner, directly or indirectly, interested in any contract with said city, and any contract in which said mayor, member of common council, or other city officer, is or becomes directly or indirectly interested, shall be and become absolutely void, and any such officer by said act shall forfeit his said office.

Penalty for failure to perform duties.

SEC. 52. Penalty for failure to observe duties imposed.—Any officer or employe of the city who shall offend against any of the provisions of this act by refusing to do any act or thing required to be done by him, or by wrongfully doing the same, or who shall willfully violate any of the provisions of this act, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person to so convert it, or by gross and culpable neglect allow the same to be lost to the city, shall be guilty of a misdemeanor and shall be punished therefor as misdemeanors are punished by the criminal laws of the state, and shall, as a consequence thereof, forfeit his office and be forever disqualified from holding any office of trust or profit under the city government, and shall be liable to the city for any amount lost or damage suffered by reason of such wrongful act or violation of law.

Salaries, to be fixed by council.

SEC. 53. The salaries of all officers and employes of the city shall be fixed by a resolution passed by a three-fourths vote of all the members of the city council and the salaries of the officers and employes shall be paid monthly and the salaries of employes may be paid weekly, unless otherwise provided by law, out of the treasury of the city, and the salaries of officers whose terms of office are fixed by this act shall not be increased or diminished during the term for which the officer shall have been chosen, nor during the time intervening between his election or appointment and the commencement of his said term; *provided, however*, that the salary of aldermen in cities containing a population exceeding thirty thousand inhabitants shall not exceed five hundred dollars per annum; and in cities containing a population exceeding fifteen thousand and not exceeding thirty thousand inhabitants the same shall not exceed three hundred dollars per annum; and in cities containing a population not exceeding fifteen thousand inhabitants, the same shall not exceed one hundred dollars per annum; *provided, however*, that until the city council shall have so fixed the salaries as herein provided, no salary or compensation shall be allowed or paid to any of the following named officers or employes or any of them,

Maximum salaries till fixed by council.

in cities where the same may exist, in excess of the following named sums, to-wit: The mayor, three thousand dollars ($3,000) per annum; the mayor's private secretary, twelve hundred dollars ($1,200) per annum; the treasurer, four thousand dollars ($4,000) per annum; the comptroller, four thousand ($4,000) per annum; the city clerk, four thousand dollars ($4,000) per annum; the city attorney, four thousand dollars ($4,000) per annum; the city engineer, four thousand dollars ($4,000) per annum; the secretary of the board of water commissioners, two thousand dollars ($2,000) per annum; the superintendent of the water department, eighteen hundred dollars ($1,800) per annum; the commissioner of health, or health officer, twenty-four hundred dollars ($2400) per annum; the building inspector, eighteen hundred dollars ($1,800) per annum; the chief engineer of the fire department, twenty-five hundred dollars ($2,500) per annum; the first assistant engineer of the fire department, fifteen hundred dollars ($1,500) per annum; the second assistant engineer of the fire department, twelve hundred dollars ($1,200) per annum; the chief of police, twenty-five hundred dollars ($2,500) per annum; the judge or judges of the municipal court, each, three thousand dollars ($3,000) per annum; the clerk of the municipal court, eighteen hundred dollars ($1,800) per annum; the superintendent of the workhouse, twenty-five hundred dollars ($2,500) per annum; the commissioner of public works, two thousand dollars ($2,000) per annum; *and provided further*, that where the duties performed by any of the officers aforesaid are by the terms of this act imposed upon officers otherwise designated, the limitations herein contained shall be construed to apply to such newly designated officers and in no event to perpetuate or authorize any office or position not recognized by this act.

Reports of officers.

SEC. 54. Reports of officers.—Every elective and appointive officer shall continue to reside in the ward or district for which elected or appointed, and shall keep and attend his office at such time and place as may be prescribed by the city council, and except members of the city council, shall annually and in the years when the city election is to be held, not less than ten (10) nor more than thirty (30) days before such election, make and transmit to the city council an accurate verified report of the business of his office for the preceding year, together with a true, verified inventory of all moneys, property and other effects of the city in his possession or under his control; and at the time of making such report he shall likewise make and trans-

mit to the city council and the city comptroller an estimate of the cost and expense of the operation of his office for the ensuing fiscal year; and he shall likewise, whenever requested by the mayor or city council, make to them, or either of them, a similiar report, and shall exhibit to them, or either of them, all the books of account, papers and other records of property kept in and controlled by his office. At the expiration of his term, or when removed from his office, he shall, on demand, turn over to the city or to his successor in office, all the books, papers, records, files, money and other property and things whatever pertaining to his office, or received by him, by virtue or reason of the exercise thereof.

No gift or gratuity shall be accepted.

SEC. 55. No gift nor gratuity shall be accepted—turning over fees.—No officer shall directly or indirectly, in or about the performance of the duties of his office, receive any gift, commission, gratuity or reward or other valuable thing whatever; and every such officer and member shall account for and pay over to the city at the end of each month all fees collected by him during the preceding month, by virtue or reason of his office, except as may be herein otherwise provided. Any violation of the provisions of this section shall be deemed corruption in office and punished as provided in this act.

Turning over fees.

Penalty.

Exemption from jury service.

SEC. 56. Exemption from jury service.—All officers and employes of the city while engaged in its service shall be exempt from serving as jurors in any court.

Fiscal year.

SEC. 57. Fiscal year.—The fiscal year of the city shall commence on the first day of January of each year.

CHAPTER III.

POWERS AND DUTIES OF THE MAYOR.

Mayor—powers and duties.

SEC. 58. The chief executive.—The mayor shall be the chief executive officer of the city. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced within the city. He shall see that all other officers of the city discharge their respective duties. He shall from time to time give the city council such information and may recommend such measures as he shall deem advantageous to the city.

Approval of ordinances and resolutions.

SEC. 59. Approval of ordinances and resolutions—veto power.—Every ordinance, order and resolution shall, before it takes effect, be presented to the mayor for approval. If he approves he shall sign the same, but if he disapprove it, he shall return it to the city

council with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at the next regular meeting thereafter.

Passing over veto.

SEC. 60. Reconsideration.—Upon the return of any ordinance, order or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the mayor; and if upon such vote, the city council shall pass the same by a vote of three-fourths (¾) of all its members, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by yeas and nays, which shall be entered by the city clerk of record; *provided, however*, that in all cases where the original action of the council requires a three-fourths (¾) vote, the veto of the mayor shall be effectual unless overruled by unanimous vote of all the members of such council; *provided*, upon the return by the mayor without his approval of any ordinance, order or resolution authorizing the issuance of bonds or certificates of indebtedness without the submission for ratification to the electors of the city, or granting a franchise, such ordinance, order or resolution shall not be passed over the veto of the mayor, and shall be of no more force and effect than if the same had failed of passage by the council in the first instance.

When unanimous vote required.

Mayor's veto absolute—when.

Limit for approval.

SEC. 61. Time limited for approval by the mayor.—No ordinance, order or resolution shall be signed by the mayor within four (4) days after the same is presented to him, and if the same shall not be returned by him on the tenth (10) day (Sunday excepted) after it shall have been presented to him, it shall have the same force and effect as if approved by him.

Indorsement by clerk.

SEC. 62. Indorsement by clerk.—The city clerk shall indorse upon each such ordinance, order and resolution the time when the same was delivered to the mayor, and the time when it was returned to his office by the mayor.

Acting mayor.

SEC. 63. Acting mayor.—During the absence of the mayor from the city, or in case of his death or disability for any reason to discharge the duties of his office, the president of the city council, or in his absence or in case of his disability, the vice-president of the city council shall for the time being exercise all the powers and discharge all the duties of the mayor. The president or vice-president so performing the duties of the mayor shall be styled the "acting mayor," and his acts while so acting as mayor shall have the same force and validity as if performed by the mayor.

SEC. 64. Control of police.—The mayor shall be

Control of police.

chief magistrate of the city and shall have command and control of its entire force of police.

Mayor's secretary and stenographer.

SEC. 65. Mayor's secretary and stenographer.—He may appoint a secretary and stenographer when authorized by the city council, who shall perform such clerical duties as the mayor may prescribe in his department and in the department of police.

Executive contingent fund.

SEC. 66. Executive contingent fund.—The mayor shall have authority to expend from the executive contingent fund such moneys as he may deem necessary in case of emergency to secure information and evidence of crime and arrest convicts and to relieve distress in the event of public calamity in this state.

Mayor to sign bonds, obligations and contracts.

SEC. 67. Shall sign bonds, obligations and contracts.—He shall sign all bonds and obligations of the city and all warrants drawn on the city treasurer, unless otherwise provided by law. He shall also sign all contracts entered into by the city.

Process and notices.

SEC. 68. Process and notices.—He shall, upon service of notice or process upon him in an action or proceeding against the city, forthwith inform the city attorney and city council thereof.

Mayor's report.

SEC. 69. Annual report.—He shall make an annual written report at the close of each fiscal year to the city council of the general condition of affairs of the city.

CHAPTER IV.

DUTIES OF COMPTROLLER.

Comptroller to keep books of account.

SEC. 70. To keep books of account.—It shall be the duty of the city comptroller to keep regular books of account, both of the city and the boards and departments of said city, in which he shall enter all indebtedness of said city, and which shall at all times show the precise financial condition of the city and of the amount of bonds or other evidence of indebtedness outstanding, and the redemption of the same when redeemed. The city council shall provide for the salaries of such assistants and clerical force as may be needed by the comptroller. All such assistants and clerical force shall be appointed by the comptroller. The city comptroller shall designate one of his assistants as deputy city comptroller, and such deputy shall have in the absence or disability of the city comptroller the same powers and duties as are herein prescribed for the city comptroller.

Assistants and clerks—salaries.

Warrant account.

SEC. 71. Warrant account.—He shall keep accounts of warrants drawn on the treasury in separate books, and shall note thereon the cancellation thereof when-

ever the same shall be canceled and shall keep such other books and records as shall be necessary for the preservation of the accounts of the transactions and business of the city, and all books, lists and records heretofore kept, or which shall be kept in the comptroller's office, and copies thereof by him certified, and shall be competent evidence of all matters shown by them.

To keep accounts with city treasurer and other officers.

SEC. 72. He shall keep accounts with the city treasurer and all other receiving or disbursing officers of said city; in such accounts he shall charge such officers with all amounts received by them from all sources of revenue, and with all city property in their hands or control, as such officers, and credit them with all amounts disbursed, or property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office.

To countersign bonds and evidences of debt.

SEC. 73. To countersign bonds and other evidences of indebtedness.—He shall countersign all bonds, warrants or other evidences of indebtedness of the city; and no such bond, order, certificate or other evidence of indebtedness shall be valid until so countersigned.

To examine accounts and reports.

SEC. 74. To examine accounts of other officers.—He shall examine the reports, books, papers and vouchers of the treasurer and of other receiving and disbursing officers, and perform such other duties pertaining to his office as the city council may prescribe, and it shall be the duty of the city comptroller to make a report of the financial condition of the city to the city council at any time he may deem it advisable, with such recommendation as he may think proper.

Comptroller's report.

SEC. 75. To report financial condition to city council.—He shall, within sixty days after the close of each fiscal year, report to the city council the financial condition of the city.

To countersign contracts.

SEC. 76. To countersign all contracts.—He shall countersign all contracts made in behalf of said city, and no such contract shall be valid for any purpose until so countersigned, and he shall be the custodian of all such contracts. He shall countersign no contract in behalf of said city unless there be sufficient funds applicable by law thereto in the treasury of such city for the payment of any liability arising under such contract, or unless provision shall have been made therefor as in this act otherwise provided. He shall keep a book, in which he shall enter all contracts, which shall be open to the inspection of all parties interested.

To audit claims.

SEC. 77. To audit all claims.—All claims and demands against the city before the same shall be allowed by the city council shall be audited and

adjusted by the comptroller, and all warrants on the treasury, either on the part of the city or its boards, or of any officer or department thereof, shall be examined and countersigned by him, and by him kept until delivered to the person entitled thereto, and he shall take and preserve receipts for all warrants so delivered, and all claims and demands against any board or department of the city shall be allowed by the city council before payment thereof.

Same.

SEC. 78. Auditing and adjusting claims.—It shall be the duty of the city comptroller in auditing and adjusting claims and accounts against the city, to designate and specify upon each claim, demand and account so audited and adjusted, the particular fund out of which the same shall be paid; and the same shall not be audited nor adjusted by him until there shall be sufficient moneys to the credit of the particular fund out of which the same is payable to pay the same, as well as all other claims before that time audited, adjusted or allowed against such fund, and no claims whatsoever shall be reported to, nor allowed by, the city council until the same shall have been audited and adjusted by the city comptroller, as in this section provided.

To designate proper fund.

City clerk to act as comptroller—when.

SEC. 79. In any city of this state where the office of city comptroller does not exist under this act, the duties imposed upon the city comptroller by the terms of this act shall be performed by the city clerk of such city.

Reports to state auditor.

SEC. 80. Reports to state auditor.—The comptroller of each city shall annually, within sixty days after the close of the fiscal year, report to the state auditor in writing, showing the receipts and disbursements on account of each fund and in each department of the city, and the condition of each of the city funds and the amount of bonds outstanding at the close of such fiscal year. The state auditor shall furnish to each comptroller at least thirty days before the close of the fiscal year, blanks upon which such statements shall be made, and the comptroller shall make the statement in detail upon and in accordance with such blanks.

State auditor to furnish blanks.

CHAPTER V.

FINANCES—DUTIES OF TREASURER.

City treasurer —bond— duties.

SEC. 81. Bond and management of finances.—The city treasurer shall give a bond in amount double that of all moneys likely to be in his control at any time, to be executed by at least four (4) sureties, who shall justify in an aggregate amount equal to the penal amount of the bond, and which shall be approved by

the city council, filed and recorded in the office of the city comptroller, and shall be conditioned for the safe keeping of all moneys of the city that may come into his possession, and for the faithful performance of his duty, and the record of such bond, as well as the original, shall be evidence of the contents and execution thereof.

To receive moneys, to keep accounts.

SEC. 82. To receive all moneys.—The treasurer shall receive and safely keep all moneys belonging or accruing to the city, and shall keep accurate and detailed accounts thereof, and in cities of 30,000 population or more he shall be entitled to and shall demand and receive of the treasurer of the county wherein such city is located on the tenth business day of each month all moneys which shall have been paid to such county treasurer during the calendar month preceding for taxes, assessments, and interests and penalties thereon on account of levies and assessments made for the city or for any local improvement.

County treasurer to pay moneys to city treasurer.

City treasurer to apportion and deposit all moneys.

SEC. 83. To apportion and deposit all moneys received.—The treasurer shall upon receipt of any moneys on any such account, or upon any such settlement, forthwith credit the same to the various funds to which the same belong, or for which they are levied, and shall deposit the same in the name of the city, subject to the order of the treasurer, in the various depositories which shall have been designated by the city council, and in so doing shall not deposit with any such depository an amount in excess of one-half (½) of the penalty of the bond furnished by such depository, and all interest that may accrue to any such moneys shall be credited to the current expense fund.

To pay moneys on warrants.

SEC. 84. To pay money on warrants.—He shall pay money out of the city treasury, except for principal and interest of bonds and certificates of indebtedness, only upon warrants properly drawn, the same having been first authorized by the city council, which warrants shall specify the purpose for which they are drawn and the fund out of which, and the person to whom they are payable; and he shall, when directed so to do, pay employes of any department of the city upon pay rolls; and upon the payment or receipt by him of any such warrant, he shall cancel and file the same, and it shall not be again issued; and he shall keep separately warrants drawn upon each particular fund; *provided*, that no ordinance, warrant or order of the city council or of any officer, board or department of any city shall have any power or authority to authorize the city treasurer to divert any separate funds or money from the specific purposes for which the

Moneys not to be diverted from proper fund.

same were estimated, levied, collected and credited, as aforesaid, or to borrow and transfer any balance or portion of one of the said funds to the credit or for the use of another fund, except in the purchase of certificates as by this act provided.

Monthly reports to council.

SEC. 85. To make reports to the city council.—The treasurer shall make monthly statements to the city council, and to each board or department having control of any fund, of the amount received and disbursed on account of each fund controlled by the city council or such board or department respectively, and a statement of the amount of money in the various funds deposited with each depository and in his hands. He shall manage all moneys in the interest of the city, and shall endeavor to secure interest thereon consistent with their safe keeping, but shall not postpone or defer any payment after the same becomes due in order to secure interest. He shall, whenever he shall deem the public interest to so require and whenever notified so to do by the city council, withdraw all funds from any depository, and notify the city council thereof, and shall thenceforth deposit no more therein until directed so to do by the city council.

Depositories.

SEC. 86. Banks or trust companies may become depositories.—Any bank or trust company having its principal place of business in this state may be designated as a depository of the moneys in the city treasury as hereinbefore provided; and when so designated shall execute to the city a bond in double the amount it may desire or agree to receive on deposit, which shall also be executed by five (5) or more sureties, none of whom shall be acting officers of such bank or trust company, who shall justify in an aggregate amount double the penalty of the bond, conditioned for the safe keeping and payment of the funds so deposited and interest thereon, all of which bonds shall be approved by the city council. Such bonds shall be filed and recorded in the office of the city comptroller, and whenever required so to do by the city council, such depository shall furnish a new bond and other sureties to be likewise approved, and the record of any such bond, as well as the original, shall be evidence of the contents and execution thereof, and when the moneys in the hands of the treasurer shall be deposited with any such depository as herein provided, the treasurer and his sureties upon his official bond shall be exempt from all liability by reason of the loss of said moneys while so deposited.

Bonds of depositories.

General fund.

SEC. 87. General fund.—There shall be maintained in the city treasury a fund to be designated as the

general fund, into which shall be paid all moneys not specifically designated as belonging to any particular fund, and from which there may be drawn to be credited to any such fund, or for such other purposes as may be designated by law or authorized by the city council.

Current expense fund.

SEC. 88. Current expense fund.—There shall be maintained in the city treasury a fund to be designated as the current expense fund, into which shall be paid all moneys derived from licenses, rents, fines, costs and judgments collected in favor of the city and not otherwise appropriated, and which shall further be maintained by an annual tax levy to be made by the city council of an amount necessary; and prior to the levy of such tax, a certain proportion of the said fund shall by the city council be set aside to each of the departments dependent thereon, to defray the expense of the ensuing year, and no more money than the sum thus appropriated shall be expended in such fiscal year for such department. Out of such fund shall be paid all the salaries and expenses of the city government not otherwise provided for, and the cost of the operation of all the departments of the city government having no special funds created therefor, and the purchase, construction and repair of all appliances and apparatus used therein.

Permanent improvement fund.

SEC. 89. Permanent improvement fund.—There shall be created, when not already existing and maintained in the city treasury, a fund to be designated as the permanent improvement fund, into which shall be paid all the moneys received from the sale of any property or permanent improvements of the city not otherwise provided, and such amounts from time to time as may be realized from the sale of any bonds or certificates of indebtedness issued on account of such fund, and all amounts collected on special assessments advanced in first instance out of such fund, and the principal sum of all excess of assessments for water mains and sewers. It shall be further maintained by an annual tax levy to be made by the city council of an amount necessary. And out of such fund shall be paid the cost of acquiring all real property and appurtenances, and the construction and improvement of all buildings and permanent improvements which shall not be otherwise provided for out of other funds, and also the cost of all local improvements, unless the city council maintains a permanent improvement revolving fund; and the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable as in this act provided.

SEC. 90. Permanent improvement revolving fund.—

Permanent improvement revolving fund.

There shall be created, if necessary, and maintained in the city treasury, if the city council shall so direct by ordinance, a fund to be designated as the permanent improvement revolving fund, into which shall be paid all accounts realized from the sale of certificates of indebtedness issued on account of such fund, and the principal sum of all special assessments and benefits assessed and levied on account of any local improvements, as well as all taxes levied on account of such fund, and there shall be paid out of such fund that portion of all local improvements for which special assessments are levied, and such amount of excess assessments as may in any instance be refunded, and for no other purpose whatever. And the city shall maintain such fund sufficient to meet the expenses of all such improvements as the same become payable, as in this act provided. And the city council may from time to time by ordinance by a three-fourths (¾) vote, issue, negotiate and sell certificates of indebtedness for the creating or maintaining of such fund, and such certificates shall not be sold for less than par and accrued interest, and shall bear interest at a rate not to exceed five (5) per cent per annum, and shall be made payable from said fund and at such times as the city council may determine; *provided, however*, that the amount of certificates so issued shall not exceed at any one time two-fifths (2-5) of one per cent of the total value of taxable property of such city, according to the last preceding assessment for purposes of taxation; *provided, however*, that cities already having created a permanent improvement revolving fund, by the issuance of bonds up to the limit prescribed by existing laws, shall not have authority to issue certificates of indebtedness as permitted by this section.

Certificates of indebtedness.

Water and light works account.

SEC. 91. Water and light works account.—Where any city is the owner of its own water and light works, or either, an accurate account shall be kept of all rents, fines, dues, assessments, excess of assessments and appropriations made on account of or accruing in the water and lights works department, or either, and the proceeds of the sale of all bonds issued on account of the same, the proceeds of any property used or operated by the department; and also all salaries and expenses incurred in the operation of the department and the maintenance of the system of water and light works, or either, and the cost of the construction, enlargement, alteration or repair of any and all stations, machinery and hydrants, and of the proportion of the cost of any main or appurtenances chargeable to the city and not specially assessable. But all moneys received for rents,

fines and dues shall be paid into and accredited to the current expense fund, and receipts from assessments and other sources shall be paid into and credited to the proper fund above provided. And an appropriation shall be made to defray the expenses of the department from the current expense fund, as appropriations are made for other departments.

Park fund.

SEC. 92. Park fund.—In any city now or hereafter having a system of public parks there shall be maintained in the city treasury a fund to be designated as the park fund, and into such fund shall be paid all amounts received from the sale of any park property, and the principal sum of all special assessments and benefits assessed or levied on account of the acquisition, opening, laying out, extending or improving of any park, parkway or boulevard, and the cost of which is provided to be advanced out of such fund, and all amount of taxes, interest and penalties accruing thereto by reason of the levy of any tax for the use of park purposes, and out of such fund shall be paid all interest upon bonds issued by or on account of parks, and all salaries and expenses incurred in the operation of the department of parks and the maintenance of the park system and the cost of acquiring, opening, laying out, extending and improving any park, parkway or boulevard.

Library fund.

SEC. 93. Library fund.—In any city now or hereafter having a library board there shall be maintained in the city treasury a fund to be designated as the library fund, which shall be under the control of such library board and subject to be paid out upon its order, and into such fund shall be paid all amounts received from the sale of any property under the control of such board, and all appropriations thereto and the proceeds received from the sale of any property under the control of such board, and all taxes, interests and penalties accruing thereto by reason of the levy of any taxes for such board, and out of such fund shall be paid the expenses of such board and all salaries, and the cost of the acquisition, maintenance and operation of the system of public libraries of the city, and of the property under the control of such board.

Educational fund.

SEC. 94. Educational fund.—There shall be maintained in the city treasury a fund to be designated as the educational fund, into which fund shall be paid all moneys received from the sale of any property under the control of the educational department of the city, and all taxes, interests and penalties accruing thereto by reason of the levy of any taxes, as well as all other moneys received for educational purposes. Such fund

shall be under the control of and disbursed upon orders of the board of education in cities where a board of education exists, and out of such fund shall be paid the expense and cost of the maintenance of the educational system of the city, and the salaries and compensation of the officers, teachers and employes thereof; *provided, however*, that nothing herein contained shall apply to any city or village whose territory has heretofore, in whole or in part, been organized as an independent school district, and so exists at the present time.

Interest fund.

SEC. 95. Interest fund.—There shall be maintained in the city treasury a fund to be designated as the interest fund, which shall be maintained by an annual levy upon all the taxable property of the city of an amount which, in addition to any balance remaining in said fund, shall be sufficient to pay the interest to become due during the next fiscal year, upon all the bonds or debts of the city. There shall be maintained in the city treasury such other funds, and the city treasurer shall perform such other duties as are prescribed by law or ordinances.

Sinking fund.

SEC. 96. Sinking fund.—In every city of this state, in order to provide for the certain payment of the bonds of the city, the city council shall establish and maintain a sinking fund, and where the same has been heretofore established, shall maintain the same. It shall provide by ordinance for the care, investment and security of such fund, but shall have no authority to abolish the same until all the bonds of the city are fully paid, nor shall it divert said fund, nor any revenue nor increase thereof, for any purpose.

Investment thereof.

How maintained.

SEC. 97. How maintained.—Such fund shall be maintained by an annual tax levy of one-tenth (1-10) of one per cent of the assessed valuation of all the taxable property in the city which shall be made by the city council at the time of levying taxes for other purposes. There shall also be placed in such fund any and all amounts of taxes collected to pay the interest on the bonds of the city in excess of the amount of such interest, if any there be, and all revenues of the city not otherwise appropriated.

Sinking fund commissioners.

SEC. 98. Sinking fund commissioners.—The mayor, comptroller and treasurer shall constitute a board of sinking fund commissioners, and the city council shall define such of their duties as are not herein enumerated. Such commissioners shall have charge of such sinking fund, and by and with the consent of the city council may invest the same in the bonds and certificates of the city and such other bonds as are permitted for the investment of the permanent school fund of the state of Minnesota, and in the bonds of any city in the state of

Minnesota, and in such county and school bonds in the state of Minnesota as may be approved by the city council, and not otherwise.

Bonds of city in sinking fund not canceled.

SEC. 99. Bonds of city in sinking fund not canceled.—In case of investment in the bonds or certificates of the city for whose benefit the such sinking fund is established, such bonds or certificates shall not be canceled before the maturity thereof, but shall be held by said commissioners, and the interest thereon paid over and applied to the increase of such sinking fund.

Payment of bonds from sinking fund.

SEC. 100. Payment of bonds from sinking fund.—Whenever the principal of any bonds or certificates of the city shall become due such commissioners shall, by and with the consent of the city council, dispose of such of the bonds or certificates belonging to such funds as, with the money on hand belonging to the same, shall be necessary to pay such bonds or certificates.

Discontinuance of sinking fund tax.

SEC. 101. Discontinuance of sinking fund tax.—Whenever the amount of such sinking fund shall, with the interest or revenue thereof computed to the time of the maturity of the bonds of the city, be sufficient to pay all of said bonds at the maturity thereof, the levy of the one-mill tax above provided for shall be omitted, but in case, by reason of decrease of interest or depreciation of investment or other cause, such funds shall become insufficient, said levy shall be resumed.

Action against commissioners.

SEC. 102. Action against commissioners.—In case the sinking fund commissioners, or other city officers, shall violate or neglect to perform any of the provisions of this section, any taxpayer of the city or any owner of any of its bonds shall have the right to maintain in any court of competent jurisdiction any proper action to enforce compliance therewith. The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds of the city is hereby declared to be part of the contract with the holder of any bonds or certificates of indebtedness of the city that may hereafter be issued, and shall be kept inviolate.

Part of bond contract.

Bonds for sinking fund—re-bonding.

SEC. 103. Bonds for sinking fund.—Whenever such sinking fund shall be insufficient to pay all the bonds of the city that may at any time become due, or when it shall by the city council be deemed advisable and for the interest of the city to take up any outstanding bonds of the city not due, which may be offered for sale by the holders thereof, the city council may issue the bonds of the city, to run not to exceed thirty (30) years, on such terms as to place of payment and rate of interest as may be deemed advisable, to such an amount as may be necessary, to meet such deficiency, or to take up and re-

shall be under the control of and disbursed upon o
of the board of education in cities where a boa
education exists, and out of such fund shall be pai
expense and cost of the maintenance of the educat
system of the city, and the salaries and compensati
the officers, teachers and employes thereof; *prov*
however, that nothing herein contained shall app
any city or village whose territory has heretofor
whole or in part, been organized as an indepen
school district, and so exists at the present time.

Interest fund.

SEC. 95. Interest fund.—There shall be maintain
the city treasury a fund to be designated as the inte
fund, which shall be maintained by an annual levy u
all the taxable property of the city of an amount wh
in addition to any balance remaining in said fund, s
be sufficient to pay the interest to become due during
next fiscal year, upon all the bonds or debts of the c
There shall be maintained in the city treasury s
other funds, and the city treasurer shall perform s
other duties as are prescribed by law or ordinances.

Sinking fund.

SEC. 96. Sinking fund.—In every city of this stat
order to provide for the certain payment of the bo
of the city, the city council shall establish and maint
a sinking fund, and where the same has been h
tofore established, shall maintain the same. It sh

Investment thereof.

provide by ordinance for the care, investment and sec
ity of such fund, but shall have no authority to abol
the same until all the bonds of the city are fully pa
nor shall it divert said fund, nor any revenue nor
crease thereof, for any purpose.

How maintained.

SEC. 97. How maintained.—Such fund shall be ma
tained by an annual tax levy of one-tenth (1-10) of o
per cent of the assessed valuation of all the taxal
property in the city which shall be made by the ci
council at the time of levying taxes for other purpos
There shall also be placed in such fund any and a
amounts of taxes collected to pay the interest on t
bonds of the city in excess of the amount of such inte
est, if any there be, and all revenues of the city n
otherwise appropriated.

Sinking fund commissioners.

SEC. 98. Sinking fund commissioners.—The mayo
comptroller and treasurer shall constitute a board c
sinking fund commissioners, and the city council sha
define such of their duties as are not herein enumerated
Such commissioners shall have charge of such sinkin
fund, and by and with the consent of the city counc
may invest the same in the bonds and certificates of th
city and such other bonds as are permitted for the in
vestment of the permanent school fund of the state o
Minnesota, and in the bonds of any city in the state o

Minnesota, and in such county and school bonds in the state of Minnesota as may be approved by the city council, and not otherwise.

Bonds of city in sinking fund not canceled.

SEC. 99. Bonds of city in sinking fund not canceled.—In case of investment in the bonds or certificates of the city for whose benefit the such sinking fund is established, such bonds or certificates shall not be canceled before the maturity thereof, but shall be held by said commissioners, and the interest thereon paid over and applied to the increase of such sinking fund.

Payment of bonds from sinking fund.

SEC. 100. Payment of bonds from sinking fund.—Whenever the principal of any bonds or certificates of the city shall become due such commissioners shall, by and with the consent of the city council, dispose of such of the bonds or certificates belonging to such funds as, with the money on hand belonging to the same, shall be necessary to pay such bonds or certificates.

Discontinuance of sinking fund tax.

SEC. 101. Discontinuance of sinking fund tax.—Whenever the amount of such sinking fund shall, with the interest or revenue thereof computed to the time of the maturity of the bonds of the city, be sufficient to pay all of said bonds at the maturity thereof, the levy of the one-mill tax above provided for shall be omitted, but in case, by reason of decrease of interest or depreciation of investment or other cause, such funds shall become insufficient, said levy shall be resumed.

Action against commissioners.

SEC. 102. Action against commissioners.—In case the sinking fund commissioners, or other city officers, shall violate or neglect to perform any of the provisions of this section, any taxpayer of the city or any owner of any of its bonds shall have the right to maintain in any court of competent jurisdiction any proper action to enforce compliance therewith. The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds of the city is hereby declared to be part of the contract with the holder of any bonds or certificates of indebtedness of the city that may hereafter be issued, and shall be kept inviolate.

Part of bond contract.

Bonds for sinking fund—rebonding.

SEC. 103. Bonds for sinking fund.—Whenever such sinking fund shall be insufficient to pay all the bonds of city that may at any time become due, or when it ll by the city council be deemed advisable and for the rest of the city to take up any outstanding bonds of city not due, which may be offered for sale by the lers thereof, the city council may issue the bonds of city, to run not to exceed thirty (30) years, on such ns as to place of payment and rate of interest as be deemed advisable, to such an amount as may be ssary, to meet such deficiency, or to take up and re-

fund such bonds not due; *provided*, that the refunded bonds shall in no case draw a higher rate of interest than the bonds so taken up.

Conference committee—duties of.

SEC. 104. Conference committee.—There shall be a conference committee in each city which shall consist of the president of the city council, the president of each election or appointive board and the head of each department of the city. Such committee shall meet on or before the first day of September of each year and shall report to the board of tax levy an estimate of the amount of the expenses of each department for the next ensuing fiscal year, and the amount required in each of the funds for which a levy may be made during the next fiscal year.

Board of tax levy—duties of.

SEC. 105. Board of tax levy.—There shall be a board of tax levy in each city which shall consist of the mayor, comptroller and president of the city council. Said board of tax levy shall meet at the office of the mayor of said city on the second Monday in September in each year and may adjourn from time to time as may be made necessary by the duties hereby required, but not later than the first Tuesday in October. A majority vote of said board shall decide all questions coming before said board. The said board shall consider, determine and fix a maximum rate of taxation for the various purposes for which the city council of said city is authorized to levy taxes for such year, and it shall be the duty of the said board to reduce the maximum rate of taxation for the various purposes to the lowest practical limit. The city comptroller shall on or before the first Tuesday of October in each year certify and transmit to the city council the maximum rate of taxation for the various purposes for which said council is authorized to levy taxes, as fixed and determined by said board of tax levy, and no taxes shall be levied for said year by said city council in excess of the maximum rate so fixed and determined by said board.

Fixing rate of taxation.

Comptroller to submit estimates for taxes.

SEC. 106. Report of estimates.—The city comptroller shall, at the time of the certifying of the report of the board of tax levy, as above provided, report to the city council an estimate of the current expenses of the city for the fiscal year commencing on the first day of January next ensuing, together with a statement of the amount of all revenues received by the city for the then current year.

City council to levy tax.

SEC. 107. The city council shall, on or before the tenth day of October of each year, upon the coming in of the said reports of the board of tax levy and the city comptroller, levy an annual tax upon all property in

such city, taxable under the laws of this state, for the purpose of defraying and paying all the expenses, obligations and liabilities existing or authorized by this act, and the said levy so made, as aforesaid, shall be reported by the city clerk forthwith to the county auditor of the proper county and shall be entered upon the tax duplicate of such county and collected annually in like manner as county and state taxes are collected.

No debt to be created in excess of levy,.

SEC. 108. No debt or liability to be created in excess of levy.—Neither the city council of any city nor any officer or officers of said city shall, except as in this act provided, have authority to issue any bonds or create any debt or any liabilities against said city in excess of the amount of revenue actually levied and applicable to the payment of such liabilities.

CHAPTER VI.

POWERS AND DUTIES OF CITY COUNCIL.

City council.

SEC. 109. Legislative power vested in the city council.—The legislative power and authority of the city shall be vested in a city council, composed of the aldermen of such city as herein provided.

Organization.

SEC. 110. Organization.—The city council shall, biennially, on the first Tuesday after the first Monday in January next succeeding the city election, organize, and at the time of its organization, proceed to elect from their own number a president and vice-president for the ensuing two years, and such other officers as may be necessary for the transaction of its business. Such election shall be by ballot, and the affirmative vote of the majority of all the members elect shall be necessary to elect.

Officers.

Duties of president.

SEC. 111. Duties of president.—The president, and in case of the absence of the president, the vice-president, shall preside over the meetings of the city council, and shall sign all resolutions and ordinances passed by the city council, and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, shall have and exercise all the powers and duties of mayor, under the style of "acting mayor." The acts of such acting mayor shall have the same force and effect as if performed by the mayor.

Rules and special meetings.

SEC. 112. Rules and special meetings.—The city council shall prescribe rules for its own guidance and the time for its regular meetings, and provide for the calling of special meetings. No business shall be trans-

acted at a special meeting unless the same shall have been specified in the call therefor.

Quorum—compelling attendance.

SEC. 113. Quorum.—A majority of the members shall constitute a quorum, but less than a majority may adjourn from time to time, and a minority as well as a majority may compel the attendance of absent members.

Canvassing votes in city elections.

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SEC. 114. Canvassing votes.—The city council shall have power to, and it shall, canvass the returns of votes cast at all city elections and declare the results thereof, and shall be the judge of the election and qualifications of its own members.

Ordinances and resolutions.

SEC. 115. Ordinances and resolutions.—Every legislative act of the city council shall be by ordinance or resolution. The style of all ordinances shall be: "The city council of the city of..... do ordain as follows:" No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

Readings of an ordinance.

SEC. 116. Readings of an ordinance.—No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be had at subsequent regular or adjourned regular meetings occurring not less than one (1) week after its first reading, and such ordinance shall not be amended after the meeting at which it receives its second reading. It shall receive its third reading and be passed only at a regular or adjourned regular meeting occurring at least one (1) week subsequent to the time at which the second reading was had.

Passage of ordinances and resolutions.

SEC. 117. Passage of ordinances and resolutions.—Every ordinance, order and resolution, except as in this act otherwise provided, shall be passed by a majority vote of the members of the city council, taken by yeas and nays, which shall be entered upon its journal. It shall then forthwith, before it takes effect, be presented to the mayor for his approval as herein provided. Every ordinance, order and resolution shall be published in the official newspaper of the city before it takes effect. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting unless at such a meeting there are present as large a number of its members as were present when said vote was taken.

Publication.

Contract awarded and warrants drawn pursuant to resolution.

SEC. 118. Contract awarded and warrants drawn pursuant to resolution.—The award of every contract and order for the payment of money shall be made and authorized only by resolution, except that the pay roll of city officers or employes whose salaries or compensation have been fixed by law or resolution may

be passed and warrants ordered therefor by motion.

Two-thirds vote required.

SEC. 119. Two-thirds vote required.—Every ordinance, order and resolution appropriating money or creating any liability (or for the issuing of certificates of indebtedness in anticipation of tax or assessment levies), awarding or approving of any contract for the payment of money, ordering any condemnation of private property, or the making of any local improvements, shall require a two-thirds (⅔) vote of all the members of the city council.

Issuance of bonds and incurring indebtedness.

SEC. 120. Issuance of bonds and incurring of indebtedness.—Any ordinance or resolution authorizing the issuance of bonds of the city shall require the affirmative vote of three-fourths (¾) of all the members of the city council; if, however, it receive a majority, but less than a three-fourths (¾) vote of all the members of the city council, it may be submitted for ratification to the electors of the city at the next regular city election, or at a special election called for that purpose, the form of ballot to be used at which shall be prescribed by the city council. If two-thirds of all the electors voting upon such question shall vote in favor of the issuance of such bonds, then said ordinance or resolution shall take effect and be in force; otherwise, the same shall become null and void; *provided, however*, that a majority vote of the members of the city council shall be sufficient to pass an ordinance or resolution authorizing the issuance of bonds for the purpose of paying maturing bonds of the city without submission to the electors; *provided, further*, that the amount of all such bonds, except as hereinafter provided, shall be controlled by the limitations herein made on the power to issue bonds, and the city council shall not in any manner, either with or without a vote of the people, authorize the issuance of any bonds, or create any indebtedness of the city in excess of the said limit herein prescribed, except as hereinafter provided.

Bond issue limited.

Bond from beneficiary of special or private ordinance.

SEC. 121. Whenever a special or private ordinance is enacted, the city council shall require a bond from the beneficiary thereof to protect the city against any claim for damages resulting from the grant of right or privilege under such ordinance, the amount of such bond and the conditions thereof to be fixed and determined by the city council, and further security may be required at any time and the terms of the grant shall so provide.

Aldermen not to solicit appointment under city.

SEC. 122. Aldermen not to solicit appointment.—No member of the city council shall demand, request or solicit any board, officer or employe connected with the city to engage or appoint to a position in said city, and upon proof of the violation of this provision the office

of such member shall become and be declared vacant by the city council.

Witnesses before city council.

SEC. 123.—Witnesses before city council.—The city council, and any of its committees authorized by it so to do, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings, or before such committee, and for that purpose may issue subpoenas or attatchments in any case of inquiry or investigation, to be signed by its president, or the chairman of such committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas and other process.

Punishment for refusal to testify.

SEC. 124. Punishment for refusal to testify.—If any witness shall refuse to testify to the facts, within his knowledge, or to produce any books or papers in his possession, or under his control, the city council shall have the power to fine or commit him for contempt.

Witness not to be excused.

SEC. 125. Witness not to be excused.—No witness shall be excused from testifying touching his knowledge of the matter under investigation in any such proceeding or inquiry before the city council or any committee thereof, or before any officer of the city having power to conduct the investigation, but such testimony shall not be used against him in any criminal prosecution except for perjury.

City council to control city finances and property and provide for payment of debts.

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SEC. 126. City council to control finances—limit on bond issue.—The city council shall control the property and finances of the city, and shall have the power to appropriate money for city purposes only, except as hereinafter provided; to provide for the payment of its debts and expenses; to borrow money on its credit for city purposes, and to issue bonds therefor, as herein provided; to issue bonds in the place of, or to supply means for paying maturing bonds or to consolidate or fund the same; *provided*, that the total indebtedness of such city, except as hereinafter provided, shall not thereby be made to exceed five (5) per cent of the total value of the taxable property of such city according to the last preceding assessment for purposes of taxation, except in cities where such limit has already been reached, or expenditures have already been authorized by vote of the people of said city, which will cause the said limit to be reached, provided, however, that the certificates of indebtedness issued for the creation and maintenance of the permanent improvement revolving fund shall not be considered as a portion of the indebtedness of the city for the purposes of this section. *Provided further*, however, that in case of any such city now organized or territory hereafter to be organized, the total indebtedness

Limit of indebtedness.

of which at the time of the passage of this act exceeds five (5) per cent of the total value of the taxable property of said city, according to the last preceding assessment for purposes of taxation, when such city shall accept the provisions of this act, the city council of such city may issue bonds sufficient to pay all the floating indebtedness then existing of such city, and any certificates of indebtedness of such city then outstanding, the proceeds of which bonds shall be used solely for the purpose of paying such indebtedness; and thereafter the city council of such city shall not be authorized to issue any bonds, except as hereinafter provided, and except for the purpose of paying maturing bonds of said city, until the total indebtedness of said city, except as hereinafter provided, shall be reduced to an amount less than five (5) per cent of the total value of the taxable property of such city, according to the last preceding assessment for the purpose of taxation; and thereafter the city council of such city may issue bonds in accordance with the provisions hereof and within the limits herein first prescribed.

City of less than 8000 not to exceed 10 per cent of taxable property.

Provided further, that any city having a population of less than 8,000, an indebtedness of not to exceed ten per cent of the total value of the taxable property of such city may be incurred by the issuing of bonds in the same manner as above provided for the incurring of indebtedness not to exceed five (5) per cent.

Proposed indebtedness exceeding limit to be submitted to people.

Provided further, that any ordinance or resolution authorizing the issuance of bonds that would increase the bonded indebtedness to an amount exceeding five (5) per cent of the total value of the taxable property of the city, shall be submitted for ratification to the electors of the city at the next regular city election, or at a special election called for that purpose, the form of ballot to be used at which shall be prescribed by the city council. If two-thirds of all the electors voting upon such question shall vote in favor of the issuance of such bonds, then said ordinance or resolution shall take effect and be in force; otherwise, the same shall become null and void.

Water and light plants—Provision for payment.

Provided further, that where any city has, prior to its becoming subject to the provisions of this act, for the purpose of constructing, erecting, maintaining, extending or improving suitable water and light plants, or either of such plants, or for the purpose of purchasing, maintaining, extending and improving any water and light plant, or either of such plants, already in existence in said city, or for the purpose of acquiring and paying for any real estate or other property needed in connection with such water and light plants, or either of them, for the protection of the purity of the water supply, or

otherwise, issued or authorized to be issued bonds, so that the amount of said bonds when added to the other indebtedness of said city shall cause the entire indebtedness thereof to exceed five per cent of the total value of the taxable property of said city, according to the last preceding assessment for purposes of taxation, then said bonds shall not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five per cent of the total value of such taxable property; and thereafter said city may issue such additional bonds as may be necessary to extend, enlarge or improve such water and light plant, or either of such plants, and such additional bonds so issued for such purpose shall also not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed said five per cent of the total value of such taxable property. Such bonds shall be authorized, issued, negotiated and sold in the same manner as other city bonds, and shall be a first lien upon all water and light appliances and structures of every kind, if issued for both, or if for only one, then upon the appliances and stuctures thereof, and all property acquired or used in connection therewith, erected, owned or purchased by said city; and the proceeds of said bonds shall not be expended for any other purpose than that for which they are issued.

Renewal of bond issue.

Provided further, that the city council by a majority vote thereof may issue such bonds in place of, or to supply means for, paying maturing bonds which have been issued for either of said purposes, or to consolidate or fund the same, and if any plant or plants acquired by the city by purchase have outstanding bonds which by their terms were not due at the time of such purchase, and the city has assumed said bonds or has purchased said plant or plants subject thereto, the city council may at any time exchange the bonds of said city for such outstanding bonds of said plant or plants, or any part thereof, the bonds so exchanged not to bear any greater rate of interest or to be greater in amount than the rate of interest or the amount of the par value of such outstanding bonds for which they are exchanged, and said bonds so issued for the purposes aforesaid or either of them, shall not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five per cent of the total value of the taxable property in such city, according to the last preceding assessment for purposes of taxation.

Sinking fund.

Provided further, that the city council shall set aside annually such portion of the gross income from the water and light works, or either of the city as they shall

determine to create a sinking fund for the payment of said water and light bonds, or either, as they become due.

Power to levy taxes and make assessments

SEC. 127. Power to levy taxes and make assessments. —It shall have power to fix the rate of, subject to the restrictions in this act contained, and levy and collect general and special taxes for municipal purposes on real and personal property within the city, and to levy assessments for local improvements, and to prescribe the procedure in making local improvements and assessing therefor, in so far as the same is not fixed and prescribed by the terms of this act.

Condemnation.

SEC. 128. Condemnation.—It shall have power to acquire by condemnation, dedication or otherwise, lands for and to lay out, open, widen and extend streets, alleys, avenues, bridge approaches, parks and public grounds, and to establish the grade and width of such streets, alleys and avenues, and to change the same; and to acquire by condemnation or otherwise easements for slopes, cuts and fills; to acquire by condemnation or otherwise land for docks, landings, wharves and levees, and to construct and improve the same; by condemnation or otherwise to extend or widen any street, alley or highway over or across or to construct any sewer under or through any railroad track, right of way or land of any railroad or other corporation, and to acquire by condemnation or otherwise the right to take, use or divert water from any lake, stream or water course, for the water supply of said city.

Improvement of streets

SEC. 129. Improvement and vacation of streets.—It shall have power to extend, widen, straighten, grade, drain, pave, repave, macadamize or otherwise improve any street, alley or public ground, and to lay or order laid sidewalks, curb and gutter thereon, also to establish a building line for any residence, avenue or street, and prevent the erection of buildings in front of such line, but no such line shall be established on any such street or avenue until a majority of the owners of the property affected thereby fronting on such street or avenue shall have petitioned the city council therefor.

Building line.

Bridges, Docks and water courses.

SEC. 130. Maintaining and altering water courses and lakes.—It shall have the power to build and maintain bridges and viaducts, to deepen, widen, dock and cover, wall, alter or change the channel of any water course within the city, and by condemnation or otherwise, to acquire the lands and rights necessary therefor, and may remove any obstruction or unsightly structures from any lake in the city and prevent the dumping of any garbage therein.

Approval of plats.

SEC. 131. Approval of plats.—It shall have the sole power to accept and approve plats of additions within or adjoining the city, and to prescribe the width and location of streets and alleys required in such plats of property.

Light, water and transportation plants.

SEC. 132. Light, water and transportation plants.—It shall have power to provide for the lighting of streets, avenues and public grounds and buildings, and to purchase, acquire or establish gas, electric and other lighting plants, and to furnish gas, heat and electricity to persons within the city limits on such terms as it may provide; to purchase, procure or establish water works and to provide water for the use and convenience of the inhabitants of such city, and to prescribe and fix the charge for the same and the manner in which the same shall be paid; and to provide for systems of public transportation within the city and to regulate the operation thereof. It shall also have the power to make contracts with individuals, firms or corporations for the use of water for protection against fire and other purposes. It shall also have the power to contract with individuals, firms or corporations for the use of electric or gas light for street lighting and other purposes. Such contracts for water and electricity and gas to be made for such time as the council may deem for the best interests of the city, not to exceed thirty (30) years for water, and not to exceed five years for gas or electricity for street lighting and other public purposes.

Power to erect and maintain buildings, &c.

SEC. 133. Power to maintain buildings.—It shall have power by a three-fourths (¾) vote of all the members thereof to erect, provide for, improve and repair a city hall, police stations, fire stations, armories, jail, auditorium, workhouse, houses of corrections for females and children, and parental schools, hospitals, medical dispensaries, sanitariums, public baths and public lodging houses, infirmaries, public cemeteries, foundling homes, school houses, libraries, markets, and market houses, public wharves, pounds, pest houses, quarantine hospitals, dumping places, dumping stations, sewer stations and such appurtenances, accessories, apparatus, and equipments in connection therewith as may be necessary for the transaction of the business of the city, either within or without its limits, for its government, or the operation of its departments; and to aquire by purchase, gift or condemnation lands for sites for said buildings or to be used in connection therewith; and to acquire by purchase, condemnation or otherwise, any real property for municipal purposes, and by resolution passed by a three-fourths (¾) vote of

all its members, to sell or authorize the sale of any of the same. *Provided*, that in any city having a board of education the power to erect, provide for, improve and repair school houses and acquire sites by purchase, gift or condemnation, shall be vested in the board of education of such city. Except when there is board of education.

SEC. 134. Depositing of funds and auditing of accounts.—It shall designate the depositories of the funds of the city treasurer, and by resolution approve all bonds given for the safe keeping thereof, and it shall examine and audit the accounts of all city officers. Depositories and auditing account.

SEC. 135. Specific powers.—The city council shall have power by ordinance, not inconsistent with the constitution and laws of the state and the United States, as follows: First—To regulate the use of, and to prevent and remove encroachments on and over streets, alleys, avenues and public grounds and public places, and to prevent injury to the same, and to regulate the construction of coal holes, and hatchways, and coverings, and guards therefor in sidewalks, or to prohibit the same. Second—To regulate and prevent throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in or upon any street, alley or public ground or place, and to require the owner or occupant of any premises to keep the sidewalks along or in front of the same free from snow, ice or other obstruction. Third—To regulate openings and excavations in streets, alleys and public grounds, for the laying of gas, electric conductors, water mains and pipes, or for other purposes, and the building of sewers, tunnels and drains, and to regulate the construction and use of all structures and conduits underneath the streets, alleys and sidewalks. Fourth—To provide for and regulate cross walks, curbs and gutters. Fifth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, and the posting and distributing of handbills and advertisements; to prevent the incumbering of the streets with vehicles, lumber, boxes, or any other things or material; to remove and abate any nuisance, obstruction and encroachment upon the walks, streets, alleys and public grounds; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city, at its discretion; and shall prohibit the piling of snow or other incumbrances upon any street by persons owning or operating any railway along or across the same. Sixth—To regulate and control or prohibit the placing of poles and the suspending of wires along or across the streets and alleys, and to Specific powers. To control streets. To dispose of refuse, snow and ice. To regulate excavations in streets. To regulate cross-walks. To prevent incumbering streets. To control poles and wires.

require any and all wires within prescribed limits or throughout the city to be placed, as it may designate, beneath the surface of the streets or sidewalks, and to require any poles already erected or wires already suspended to be removed and the wires likewise placed in conduits beneath the surface of the street, and to compel any or all such wires, pipes and other constructions and conduits to be placed in a common area beneath the surface, upon such terms as it may designate.

To keep handbills off the street.

Seventh—To regulate and prohibit the exhibition or carrying or distribution or throwing of banners, placards, advertisements and hand bills in or upon streets, public grounds and sidewalks.

Banners and signs.

Eighth—To regulate and prevent the flying of flags, banners and signs across the streets, and to regulate the construction and use of bill boards adjacent to or near the streets or public places.

Street traffic.

Ninth—To regulate and prohibit traffic and sales upon the streets, sidewalks or public places.

May regulate speed.

Tenth—To regulate the speed of horses and other animals, vehicles, cars and locomotives upon the streets and within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets.

May regulate vehicles.

Eleventh—To regulate and prescribe the width of tires on the wheels of vehicles used in the city, and the highest weight of a load to be drawn over any street in the city; and may direct upon what streets heavily loaded vehicles may be drawn, and from what streets, avenues and boulevards the same may be excluded, and to license any and all vehicles of every description.

To name streets.

Twelfth—To name and change the names of streets, avenues, alleys and other public places.

May regulate bridges, sewers and cesspools

Thirteenth—To regulate the use of all bridges, viaducts, tunnels, drains, sewers and cesspools within the city, and to prohibit the use or maintenance of cesspools and privies in such portions of the city as it may designate, and to compel sewer connections in such portions, and to make the same and to assess the cost thereof on the property so connected with the sewer.

House numbering.

Fourteenth—To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto.

Street railway tracks.

Fifteenth—To prevent and regulate or prohibit the locating, construction and laying of street railway tracks in, under or over any street, alley or public place; *provided*, that it shall grant all public franchises and rights over, upon or under the public streets and highways of the city only to such parties as will contribute to the city the greatest amount of money for and give the best service in the exercise of the same.

Sixteenth—To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over their tracks and to fence their respective railroads, or any portion of the same, and to construct cattle guards on the streets and public roads, and keep the same in repair within the limits of the city. In case any railroad company fails to comply with any such ordinance it shall be liable for all damages to the owner of any cattle, horses or domestic animals which he may sustain by reason of injuries thereto while on the tracks of such railroad company, in like manner and extent as under the general laws of the state relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction. Seventeenth—To require railroad companies to keep flagmen, and to erect and maintain gates at railroad crossings of streets, and to provide protection against injury to persons and property in the use of such railroad. Eighteenth—To regulate or prohibit the whistling of locomotives, and the discharge of steam, cinders, sparks and dense smoke therefrom, and to designate the kind of coal any yard or switch engine may consume while operating within the limits of the city. Nineteenth—To compel railroad companies to raise or lower their tracks to conform to any grade which may be established in said city and to keep such tracks on a level with the street surface, and to compel the planking of such tracks by such railway company so that they may be crossed at any place on the said street, alley or highway. Twentieth—To compel and require railway companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded. Twenty-first—To restrain the pollution of the waters of any creek, river, pond, lake or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein, and to provide for the cleansing and purification of water, water courses and canals, and the draining or filling of ponds or pools on private property whenever necessary to prevent or abate nuisances, and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or commissioner of health may direct, and upon his default to authorize the removal or destruction thereof by some officer of the city at the expense of said owner or occu-

Railroad tracks and grounds.

Flagmen—gates.

To regulate operation of locomotives.

Railroad crossings.

Railroads to drain grounds.

To restrain the pollution of water.

To compel owner to drain low ground.

pant. Twenty-second—To compel the owner of low ground where water is liable to collect and become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner, and to make the expense of the destruction or removal of such substance, specified in subdivision 21, or expense of filling or draining any such low ground, a lien upon the property from which such substances are removed or destroyed, or in which said low ground is filled or drained, and to make a special assessment for the same upon such property, to be collected as other special assessments are collected. Twenty-

To control navigable waters and use thereof.

third—To regulate the use and maintain general supervision and control of navigable waters within, upon and adjacent to the city limits; to regulate the use of public and private docks, landings, wharves and levees in such city; to establish, alter and maintain docks, dock lines, landings and levees; to regulate and control the anchorage, moorage and landing of all water craft and their cargoes within the city; to license and regulate or prohibit wharf boats, tugs and other boats used about the harbors or within the jurisdiction of the city; and to fix the rates of wharfage and dockage, and to collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the city. Twenty-fourth—To make regulations in regard to the use

Vessels and harbor masters

of steamers, towing of vessels, opening and passing of bridges, to appoint harbor masters and define their duties; and to prevent and prohibit the removal of sand and other material from or near any levee, embankment or boundary line of public waters. Twenty-fifth—To fix the amount, terms and manner of

To fix licenses.

of issuing licenses not inconsistent with law; *provided* that no licenses shall be issued for a longer term than one year; *and provided further*, that nothing herein contained shall affect laws now in force pertaining to the issuance of licenses for the sale of intoxicating liquors. Twenty-sixth—To license and regulate or prohibit and to suppress billiard, pool, pigeon hole tables,

To license billiard tables, &c.

pin alleys, bowling alleys, shooting galleries, taverns and victualing houses.

Auctions and sundry vendors

Twenty-seventh—To license and regulate or prohibit conductors of gift, fire, auction or bankrupt sales, itinerant merchants and transient venders of merchandise, and tax the proceeds of their sale, and to license and regulate runners, agents and solicitors for stages, cars, vessels, public houses or other things or persons.

Shows.

Twenty-eighth—To license and regulate the exhibitions of common showmen and shows of all kinds, and

the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, skating rinks and all places of amusement and museums, for entrance into which money is charged.

Auctioneers and pawnbrokers, &c.

Twenty-ninth—To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof.

Employment offices.

Thirtieth—To license and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for or furnishing employes to others, and to require such persons to keep such records as it may direct, and make reports thereof, and to punish unfair dealings by said persons in their said business.

Newsboys, &c.

Thirty-first—To license and regulate newsboys, bootblacks, fortune tellers, clairvoyants, astrologists and massage doctors.

To regulate hackmen, &c.

Thirty-second—To license and regulate or prohibit hackmen, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe standing places or stations within the streets or near railway stations where the same may remain while waiting for business, and to prohibit the same from standing or waiting for business at any other place than the places so prescribed.

Peddlers.

Thirty-third—To license and regulate all peddlers, book agents, canvassers, street hawkers, venders and public criers doing business in the city.

To license sale of liquors.

Thirty-fourth—To license and regulate the sale of intoxicating liquors, and the city council may designate within the territory in the city more particularly devoted to trade and manufacture than to residences, certain definite limits to be known as the patrol limits, wherein intoxicating liquors may be sold, and no such limits shall comprise any territory devoted more especially to residence than to trade and manufacture, and no license shall be granted to any person to keep or maintain a saloon or place where such liquor may be sold outside of such limits (except to regularly licensed druggists to sell for medicinal, chemical or mechanical purposes, not to be used or drank upon the premises), and where such limits now exist or are, or shall be hereafter established by law or ordinance, the same shall not be enlarged or added to except as follows: Upon a petition signed by four-fifths (4-5) of the owners of real property within the territory sought to be included within such limit being presented to the city council, by a four-fifths (4-5) vote of all its members, the city

council may include such territory within such limits; *provided*, that where in any city in the state limits are now prescribed by law, outside of which no license shall be granted to any person to vend and deal in or dispose of any spirituous, vinous, fermented or malt liquors (except to regularly licensed druggists to sell for medicinal, chemical or mechanical purposes, not to be used or drank upon the premises), upon the acceptance of this act by any such city, the limits so established and fixed by law shall remain established and fixed, and no license shall be granted by the city council of such city to any person or persons to vend, deal in or dispose of any such liquors, outside the limits so established, or within any territory where the sale or licensing of persons to sell such liquors is now prohibited by law or ordinance; *provided*, that where any territory has, by law, been incorporated or made part of any city and by such law the city council of such city is prohibited from ever granting a license to sell or dispose of any wines, spirituous or malt liquors within such territory, or any part thereof, no license to sell or dispose of any such wines, spirituous or malt liquors within such territory shall ever be granted; *provided, further*, that in no case shall a license be granted by the city council of such city to any person or persons to vend, deal in or dispose of any such liquors within a distance of three hundred feet of any public school located within such limits.

Temperance territory undisturbed.

Same.

300 feet from public schools.

To tax distilleries.

Thirty-fifth—To tax, license and regulate distilleries, breweries and pawnbrokers.

Meat markets.

Thirty-sixth—To license and regulate butchers' stalls and shops, and stands for the sale of game, poultry, meat, fish and perishable provisions.

Plumbers.

Thirty-seventh—To license and regulate plumbers, and to regulate sewer and water connections of all kinds and the laying of branch sewer and water pipes.

Concealed weapons.

Thirty-eighth—To license, regulate and control or prohibit the carrying of concealed weapons, and to provide for the confiscation of the same.

Dogs.

Thirty-ninth—To license and regulate the keeping of dogs, and to prevent the same running at large, and to authorize the destruction thereof in a summary manner.

Combustible materials.

Fortieth—To regulate and prevent the storage of gunpowder, dry pitch, resin, coal oil, benzine, naptha, gasoline, turpentine, hemp, cotton, nitro-glycerine or any products thereof, and other combustible or explosive materials within the city, and the use thereof, and of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of

firecrackers, torpedoes, roman candles, skyrockets and other fireworks.

Riots, cock and prize fights.

Forty-first—To prevent and suppress riots, routs, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraving exhibitions or sports.

Vagrants, prostitutes, &c.

Forty-second—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to regulate bathing and swimming in waters within the city limits, and to prevent and punish drunkenness, fighting, assaults, batteries and disorderly conduct and obscenity in the city; and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements and illustrations, and any printed matter naturally tending to provoke a breach of the peace or impair the morals of the community.

Houses of ill-fame.

Forty-third—To suppress bawdy and disorderly houses and houses of ill fame and assignation within the limits of the city.

Lotteries, gaming, pool rooms

Forty-fourth—To restrain and prohibit lotteries, and to prohibit all descriptions of gambling and playing of cards, dice, hazard, roulette or other games of chance; the use of blackboards, lists and tickets for the purpose of gambling; all pool rooms and betting rooms; and the selling of pools and making of books on horse races or other contests, real or fictitious; to suppress and prohibit all mechanisms and devices used for gambling or betting; to prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling, or other unlawful purpose as aforesaid.

Pounds.

Forty-fifth—To establish pounds and pound districts; to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the destraining and sale of the same.

Markets.

Forty-sixth—To establish and regulate the location of markets and market houses, and to provide for the use thereof.

Bread.

Forty-seventh—To regulate the making and sale of bread, and prescribe the weight and quality of the bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto.

To inspect foods.

Forty-eighth—To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, fruits and other provisions, and to provide for the taking and summarily destroying of any such provisions which are unsound, spoiled or unwholesome.

Hay and fuel. Forty-ninth—To provide for and regulate the place and manner of weighing of hay and straw and selling the same, and measuring and selling of fire wood, coal and lime.

Weights and measures. Fiftieth—To provide for a standard of weights and measures and for the inspection and sealing of all weights and measures and to enforce the keeping and use by venders of proper weights and measures duly tested and sealed.

To regulate construction of buildings. Fifty-first—To regulate the construction of all buildings, chimneys and stacks; to prohibit and prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks or chimneys, and to provide for their summary abatement; to prescribe the depth of cellars, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partition and outside walls, the size and material of floor beams, girders, piers, columns, roof, chimney flues and heating apparatus, and to apportion and adjust such regulations to the height and size of the building to be erected; to regulate the construction of privies and vaults in buildings; to prohibit the construction of buildings not conforming to such prescribed standard as it may prescribe, and to vary such regulations according to the location of such buildings, and to direct the suspension at any time of the erection of any such buildings as does not conform to such regulations.

Fire limits. Fifty-second—To prescribe the limits within which wooden buildings shall not be erected nor placed nor repaired without permission; and to direct that all and any buildings within such fire limits, when damaged by fire, decay or otherwise, to the extent of fifty (50) per

Unsafe buildings. cent of the value shall be torn down and removed, and to prescribe the manner of ascertaining such damages; and to provide for requiring the owners of buildings or other structures, which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof down, to prevent accident, and in case of refusal or neglect of said owner to so take the same down when ordered by officers designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be made a special assessment on the land on which said buildings stand, and collected as other special assessments.

Fire escapes. Fifty-third—To require the owner or lessee of any building or structure now or hereafter built in the city to place thereon such fire escapes and appliances for protection against or for extinguishment of fires as it

may direct, and to require such owner or lessee to do any act necessary or advisable to lessen the danger to human life in case of fire or accident.

To regulate chimneys and accumulation of rubbish.

Fifty-fourth—To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens and boilers, and apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactures dangerous in causing and permitting fires; to prevent the depositing of ashes or accumulation of shavings, rubbish or other combustible material in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be placed in a safe condition, and to make provisions to guard against fire and to prevent the spreading of fires.

Blasting, elevators, &c.

Fifty-fifth—To regulate the operation of blasts and blasting, and the construction, location and operation of derricks, windlasses, freight and passenger elevators and other mechanical structures, apparatus or operations, hazardous to life or property.

To declare a nuisance.

Fifty-sixth—To declare the emission of dense smoke from chimneys, stacks, boats and locomotives within the limits of the city a nuisance, and to prohibit and prevent the emission of dense smoke in any portion of or through the city, and to require the use, in connection with furnaces, of such practical appliances as it may designate to prevent and lessen the emission of dense smoke, and to designate the kind of fuel which shall not be used in any furnace, stove or fireplace without the use of such appliances to prevent the emission of dense smoke.

Smoke consumers.

Fifty-seventh—To regulate the construction of chimneys and smoke stacks, and to prevent the emission of sparks and cinders from the chimneys and smoke stacks, and to declare the emission of sparks and cinders a nuisance, and to prescribe and require the use of such practical appliances as it may designate to prevent the emission of such sparks and cinders.

To abate nuisance.

Fifty-eighth—To declare what shall be a nuisance, to abate the same, and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Record of births and deaths.

Fifty-ninth—To provide for and compel the reporting and recording of all births and deaths within the city.

To regulate burials, cemeteries and crematories.

Sixtieth—To regulate or prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies have been buried in a vault or tomb or other place for the purpose of burial may be removed, and to regulate and control the location of cemeteries and crematories, and to vacate and cause

the removal of bodies interred in any cemetery not existing according to law.

Stock yards and slaughter houses, &c.

Sixty-first—To direct the location and regulate the management and construction of stock yards, slaughter houses, packing houses, renderies, tallow chandlers, store-houses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries within the limits of the city, or within a distance of one (1) mile without the limits thereof.

Breweries, stables, shops, &c.

Sixty-second—To direct the location and regulate the use and construction of breweries, dispensaries, stables, livery stables, blacksmith shops and founderies within the limits of the city.

Unwholesome business.

Sixty-third—To declare what is a nuisance and prohibit any offensive or unwholesome business or establishment within or within one (1) mile of the limits of the city.

To abate pig pens, &c.

Sixty-fourth—To compel the owner of any grocery, cellar, or soap and tallow chandlery, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same, and to regulate and prescribe the location thereof.

Lumber yards.

Sixty-fifth—To regulate or prohibit the keeping of any lumber yard, and the places for piling of timber, wood and other combustible material within the fire limits of said city, and to require any person maintaining any lumber, shingles or lath piles or mill-wood yards in the city to remove the same when they become dangerous to any building or buildings or other property near the same.

Use of public buildings.

Sixty-sixth—To establish and enforce rules for the use and regulation of all buildings maintained by the city.

To prevent games on the street.

Sixty-seventh—To prevent or regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons on the streets or sidewalks, or to frighten horses and to regulate the use of bicycles and any other vehicles on sidewalks and streets.

Removal of refuse.

Sixty-eighth—To require and provide for the removal or destruction throughout the city in such districts or on such streets and avenues, and in such manner as the council may direct, of any and all swill, offal, garbage, ashes, street sweepings, barn yard litter, manure, rubbish, yard cleanings and the contents of privy vaults, cesspools and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material, and to provide for the removal to a point beyond the city limits of any or all such matter or things, and the city council is hereby authorized and empowered to make and enter into contracts with persons or corpora-

tions for such removal of such material and substances, or any of them, upon such terms and conditions as it may deem best, and for any time not to exceed five (5) years.

Sanitary regulations.

Sixty-ninth—To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulation to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws and to enforce the same within the city, and to regulate, control and prevent the landing of persons, baggage, merchandise or property from boats, vessels, cars or other conveyances, whereon are infectious or contagious diseases or disorders, and to make such disposition of such person or property as to preserve the health of said city, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the city.

Seventieth—To establish and regulate public wells, cisterns, hydrants and reservoirs.

Measurement of gas and electricity.

Seventy-first—To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and distribution of gas, and to inspect gas and gas meters, and to control and regulate the measurement and use of electricity and electrical apparatus for furnishing light, heat and power in the city.

May create offices for inspectors of various kinds.

Seventy-second—To establish offices for inspectors, weighers, gaugers, scalers, electricians, wharf masters, market masters, quarantine masters and such other officers as it may be necessary to carry into effect the inspection laws of the city, and the powers herein granted; and to regulate the duties of said officers and to authorize and direct said officers to enforce and carry into effect the provisions of any ordinance passed hereunder.

Lodging houses.

Seventy-third—To regulate lodging houses and tenement houses, and to prevent the overcrowding of the same, and to require the same to be kept in proper sanitary condition.

Cruelty to animals—dairies.

Seventy-fourth—To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition; and to inspect and regulate dairies and dairy products, and to regulate persons engaged in selling milk within the city.

To regulate other occupations.

Seventy-fifth—To regulate and require licenses to be obtained for the pursuit and prosecution of such occupation or kinds of business not hereinabove expressly referred to and provided for, as in the opinion of the city council may require regulation and, in general, to

adopt all such measures and to establish all such regulations, in cases for which no express provision is hereinbefore made, as the city council may from time to time deem necessary for the promotion of the health, comfort and safety of the inhabitants, the preservation of peace and good order, the suppresion of vice and the enhancement of public welfare in said city.

Minors. Seventy-sixth—To license, regulate and control the employment and occupation of minors on the public streets and other public places.

To clear vacant property. Seventy-seventh—To compel the owner or owners of vacant property within the city limits to keep the same clear of any brush, timber or other material or substance liable to receive or communicate fire to adjoining property, and in case the owner or owners of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the city council either personally or by one publication in the official newspaper of said city, said city council shall have the authority to have the same done at the expense of owner or owners, and in case such owner or owners shall refuse to pay such expense, shall have the right to assess the same against said property, and to make, enforce and collect such assessment as other assessments for local improvements for benefits are made, enforced and collected.

Appropriating money or granting franchise. Seventy-eighth—No rule, resolution or ordinance shall be passed appropriating money or obligating any city to pay any money, and no franchise shall be granted save by a three-fourths (¾) vote of all members elect of the council, and it shall require at least a majority vote of all members elect of the council for the council to do any official act, save to adjourn and, save as in this act otherwise expressly prescribed, no council shall have any power or authority to obligate its city beyond the revenues then in the posession of such city or embraced in its then current and uncollected tax levy.

Other powers. Sec. 136. Other powers.—The city council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this act, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed one hundred (100) dollars, or to be confined and kept at hard labor in the workhouse of the city, or upon the public works, or to be confined in any place of confinement maintained by the city, or in case there be no such place, then to be confined in the county jail of the county in which the city is located, not to exceed the term of ninety (90) days, and may provide that such imprisonment may be

cumulative or for an indefinite term, not to exceed ninety (90) days, subject to suspension or termination by reason of or during good behavior of the person so imprisoned.

Revocation of license.

SEC. 137. Revocation of license.—The city council shall have power to revoke any license granted by it.

No exclusive nor perpetual franchise.

SEC. 138. No exclusive nor perpetual franchise to be granted.—No exclusive nor perpetual franchise nor privilege shall be granted by the city council.

Protection of streets and city property.

SEC. 139. Protection of streets and city property.—It shall have the power to punish any person wilfully damaging any sidewalk, pavement or appurtenance to the water works or sewerage system, or to any other property in or upon the public works of the city, and shall have power to punish interference with or the withholding of any property of the city by any officer thereof, or any other party, and to require any officer, member or employe of any department to produce the books and accounts thereof at any time for inspection and examination, and at the expiration of the time for which elected, appointed or employed, to turn over the same and all property in his posession to the proper custodian thereof, or his successor in office, and to require reports at any time from any such person of the condition or operation of the business under his management.

Appointment by ballot.

SEC. 140. Appointment by ballot.—The appointment of any officer by the city council shall require the affirmative vote of a majority of all its members, taken by roll call and recorded by the clerk.

Letting of contracts.

SEC. 141. Letting of contracts.—It shall have power to let contracts for the erection, improvement and repair of any of the public works or buildings of such city, and for the performance of any work required to be done, and material to be furnished in carrying into execution its powers, and the operation of its department; *provided*, however, that the city council may authorize the doing of the same by the employes of the city under the direction of the department in charge of such work or building, when the cost thereof shall not exceed three hundred (300) dollars. *And provided further*, that where proposals have been received for the doing of any public work, if the lowest of such proposals be higher than the estimate of the cost of such work, the city council may, if it deem it for the best interest of the city so to do, by a two-thirds (⅔) vote of all its members elect, direct such work to be done by day's labor.

Advertising for bids.

SEC. 142. Advertisements.—It shall let no contract for the performance of work or the furnishing of material

or supplies or property or lighting service involving the expenditure of more than one hundred (100) dollars by the city, nor authorize the purchase, or sale, of any property of a greater value than one hundred (100) dollars, nor grant any public franchise, nor authorize the sale or negotiation of any bond or evidence of indebtedness issued by the city, nor designate any depository for the money of the city, except upon advertisements for proposals therefor as provided by law.

Lowest bidders

SEC. 143. Contracts to lowest bidders.—It shall let all such contracts to the lowest responsible bidder who will enter into the contract and give security for the performance thereof, and shall let no contract to any party in default to the city in the performance or by reason of any other contract. It shall sell all property, bonds and evidence of indebtedness only to the highest bidder for cash therefor, and shall not sell nor negotiate any such bond or evidence of indebtedness below its par value, the same being its face value and accrued interest. It shall designate as city depositories only such duly incorporated banks or trust companies in this state as shall furnish the bonds required by law, and shall be satisfactory to the city council.

Bonds of contractors.

SEC. 144. Bonds of contractors.—It shall require of every party entering into a contract with the city or any of its departments, or accepting any license, immunity, privilege or franchise from or under the city pursuant to any power of authority herein vested, a bond to be approved by the mayor for the full and faithful performance of such contract, or the just and lawful exercise of the powers and privileges conferred, which bond shall be sufficient in amount to indemnify the city against any loss or damage that may be sustained by a breach of contract, or any wrong committed in the exercise of such power or privilege.

Manner of advertising for bids.

SEC. 145. Advertising for proposals.—Every advertisement for proposals shall be made by the publication in the official paper of the city at least twice, of a notice containing a general description of the contract to be let or the property to be purchased or sold, or bond or other indebtedness to be negotiated, or funds to be deposited, or franchise to be granted, and shall invite sealed proposals therefor, which proposals shall be filed with the city clerk at such time as shall be designated in said advertisement, not less than one (1) week after the last publication. All proposals shall be opened and read by the city clerk in the presence of the city council before any of the same are acted upon or accepted.

Opening bids.

Official paper.

SEC. 146. Designation of official papers.—The city council shall annually, at its second regular meeting in

January of each year, or as soon thereafter as practicable, designate some newspaper printed in the English language which is, and shall have been printed, published and of general circulation in the city, for one (1) year prior to its designation as the official paper of the city, and shall let the contract of publishing the ordinances and proceedings of the council, and other public notices required by law, to such newspaper, as other contracts are required to be let. The compensation paid for printing shall never exceed two-thirds (⅔) of the amount allowed by law for legal advertising. Whenever in any city no newspaper is published, any paper printed in the English language, and published in the county in which such city is situated, may be designated as the official paper; *provided*, that if each and all of said proposals shall fix a price in excess of the maximum as herein provided, or if no proposal shall be received, then in either event the city council may adopt such other method for publication of ordinances, proceedings and other matters as it may determine, the compensation in no event to exceed the amount herein provided; *provided further*, that in any city in which three (3) or more daily papers are printed and published in the English language, the city council may, in the first instance, direct that proposals shall be received for the publication, in a daily paper published in the English language, of ordinances and proceedings and other public notices required by law to be published in the official paper of the city; and in such case the city council shall not consider any proposals for the publication of the same in any weekly paper unless no proposal to publish the same in a daily paper, as provided herein, shall have been received.

May enter private property.

Sec. 147. Power to enter private property.—It may authorize the entry into any lands or tenements for the purpose of carrying into effect its inspection laws, and may enter upon any lands to lay any branch sewer or water main, or drain any marsh, or make any changes or erections in, upon or about any water course.

Relief funds.

Sec. 148. Relief funds.—It may set aside from the fines and penalties paid to the city such sums as it may deem proper for the maintenances of a police relief fund, pension fund and a fireman's relief fund.

Mayor's contingent fund.

Sec. 149. Mayor's contingent fund.—The city council of each city shall have power to appropriate by resolution, passed by a three-fourths (¾) vote of all the members elect of such council, such amount for the mayor's contingent fund as it may deem proper to advance the interest of the city; *provided*, however, that the sum so appropriated shall not exceed in any one year such

sum as would be realized by the tax of one-fifteenth (1-15) of one (1) mill upon the assessed valuation of all the taxable property in such city, and that none of such funds shall be used for any charitable or religious purpose, nor for the use of any person, company or corporation outside of the state of Minnesota.

Vacation of streets.

Sec. 150. Vacation of streets.—The city council of each city shall have the sole and exclusive power to vacate and discontinue public grounds, streets, alleys or highways within said city, and also all county, territorial and state roads, whether actually traveled and used at the date of the petition for such vacation or not. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of a majority of the owners of property on the line of such public ground, street, alley or highway, resident within such city, which petition, provided for in this section, shall state the facts and reasons for such vacation and be accompanied by a plat of such public grounds, street, alley or highway, county, territorial or state road proposed to be vacated, and shall be verified by the oath of one (1) of the petitioners. The city council, if it deem it expedient that the matter be proceeded with, shall order the petition to be filed of record with the city clerk, who shall give notice by a publication in the official paper of the city for four (4) weeks at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council at a certain time and place therein specified, not less than ten (10) days from the expiration of said publication. The city council, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested, and thereupon, after hearing the same, may by resolution passed by a three-fourths (¾) vote of all the members elect declare such public ground, street, alley or highway, county, territorial or state road vacated, which resolution shall, before the same shall go into effect, be published as in the case of ordinances, and thereupon transcript of such resolution, duly certified by the city clerk, shall, before the same shall take effect, be filed for record and duly recorded in the office of the register of deeds of the county wherein the property is situated.

Vacation to take effect—when.

Sec. 151. Vacation to take effect, when.—No such vacation shall take effect until the value of the premises so vacated shall have been deposited in the treasury of the city, which value shall be fixed by a resolution of the city council by a three-fourths (¾) vote of all the

members elect, and shall in no case be less than the proportionate average value of the abutting property according to the last previous assessment for taxation; *provided*, in case the city council shall have approved a plat embracing the premises proposed to be vacated, which plat dedicates to the public use, in the opinion of the city council, land equivalent in area and value to the premises sought to be vacated, then the city council may, by a three-fourths (¾) vote of all its members, accept said plat and pass said resolution of vacation, and after said plat and resolution have been recorded in said register of deeds' office said vacation shall be valid without the payment of any money into the said city treasury; *provided, further*, however, that vacations and discontinuances of such county, territorial or state road may be granted upon the petition of a majority of the owners of property through which the same or portions thereof sought to be vacated exist, when such owners shall have platted the same and shall have provided in lieu of such road sufficient streets in the opinion of the city council, of which fact the approval and acceptance of such plat and the resolution of vacation shall, when recorded, be conclusive evidence.

Recording.

Assessment—no escape.

SEC. 152. Prohibiting any relief from assessment, etc.—The city council shall not have the power to relieve any citizen from the payment of any lawful tax, assessment, judgment, fine or license, bond or security, nor to exempt him from any burden imposed upon him by law or ordinance, or to ordain the payment of any demand not authorized and audited according to law. The city council shall not have power to ordain nor authorize any compromise of any disputed demand arising under contract, nor any allowance therefor or therein, except as provided in the contract therefor. The city council shall not have power nor authority to authorize or ordain the payment of any damages or claim for alleged injuries to persons or property except by resolution, adopted by the vote of three-fourths (¾) of all the members elect.

Compilation of laws and ordinances.

Sec. 153. Compilation of laws and ordinances.—The city council may from time to time provide for the compilation and publication, in book or pamphlet form, of the ordinances and regulations of the city, rules of the city council, police rules, regulations adopted by the board of health, and such resolutions of the city council as it may designate; and may provide for the distribution by sale or otherwise of copies of such compilation and publication; and such books or pamphlets so issued, purporting on the title page to have been published by authority of the city council and to con-

tain the ordinances of the city or other matter in this section above mentioned, shall be prima facie evidence of their contents in all courts of this state; and in the absence of evidence to the contrary, all ordinances, rules, regulations and resolutions found therein shall be presumed to have been duly and legally passed, promulgated or adopted. Copies, duly certified by the city clerk of such city, of ordinances, or rules, regulations or resolutions in writing or other papers in his official custody, or of any records kept by him in his official capacity, shall also be received as prima facie evidence of their contents in all courts of this state. All municipal courts, justice courts and other city courts located in such city shall take judicial notice of all ordinances duly passed by the city council of such city.

Care of streets.

SEC. 154. Care of streets.—The city council shall have and maintain an active care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, as in this act provided, and of all other public improvements and public property within the limits of the city, and shall cause all streets which have been opened and graded under the authority of the city or with its assent, to be kept open and in repair and free from nuisances.

City not liable for damages by railroads.

SEC. 155. City exempt from liability for injuries caused by railway cars.—The city shall be exempt from all liability or damages caused by railroads, either to persons or property, when said railroads or engines or cars are passing along, across, under, over or upon any street, lane, alley or other public way within the limits of the city.

CHAPTER VII.

POLICE DEPARTMENT.

Organization.

SEC. 156. Organization.—There shall be in each city a police department, of which the mayor shall have control and supervision and be the chief executive officer and head, and which shall consist of a superintendent of police and such other officers of police, patrolmen, detectives and employes as may from time to time be authorized by the city council. Such superintendent of police and all other officers of police, patrolmen, detectives and employes so authorized shall be appointed and may be removed by the mayor of such city.

Eligibility.

SEC. 157. Eligibility.—No person shall be eligible to appointment as superintendent of police, or other officer of police, or patrolman who is not a citizen of the

United States and able to read and write the English language, and all officers, patrolmen and superintendent, shall have been for at least three (3) years residents of the city wherein appointed before they are eligible to such appointment.

Extra police.

SEC. 158. Extra police.—On occasions of large public gatherings, or in case of riot, unlawful assemblages or disturbances requiring additional police force the mayor may appoint such number of special or temporary police officers at a compensation not exceeding three (3) dollars a day, as he may deem necessary; but such special or temporary appointment shall not continue in force for more than one (1) week without consent of the city council.

Special police.

SEC. 159. Special police.—The mayor may likewise, at the request of persons, firms, corporations, societies or organizations requiring special police protection, appoint special police or watchmen, who shall serve without expense to the city, and possess police power to preserve the peace, protect property and make arrests for crime at such places and within such limits as may be designated by the mayor; but such special policeman or watchman shall not exercise any official authority nor wear any badge of office outside of the limits so designated, except that, in the event of an arrest made by him, he may so wear such badge while taking the person so arrested to the nearest police station or city lock-up.

Appointments.

SEC. 160. Appointments.—The mayor shall, within twenty-four (24) hours after making any appointment of superintendent of police, officer of police, patrolman, detective or employe, or after removing any person from office in said department, notify the city clerk in writing of such appointment or removal.

Powers of police.

SEC. 161. Powers of police.—The superintendent of police and all regular police officers of such city shall possess the powers of constables at common law, and under the statutes of this state, and in addition thereto shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena and process issued out of the municipal or other court of such city, and shall have authority to pursue and arrest in such city or in any part of the state beyond the limits of such city any person charged with, or who has committed any violation of any ordinance of such city, or any other offense or crime within the limits of such city; *provided*, that no such officer shall have power to arrest without a warrant, except in cases in which arrests without a warrant are authorized by the General Stat-

utes of the state; and the violation of any city ordinance shall be deemed a public offense.

Civil service.

SEC. 162. Appointments and promotions.—All appointments and promotions in the police force in the city, except superintendent of police, shall be under and in pursuance of rules providing for the ascertainment of the comparative fitness of all applicants therefor by a systematic, open and competitive examination thereof, which rules it shall be the duty of the mayor and superintendent of police to make, subject to the general laws of the state.

Approval of rules.

SEC. 163. Approval of rules.—Said rules shall be submitted to the city council for approval, and when so approved they shall be adopted and enforced as permanent rules, and shall only be changed in the manner herein provided for their adoption.

Appointment subject to rules.

SEC. 164. Appointment subject to rules.—No officer nor member of said police force shall be appointed until such rules have been promulgated, except to fill vacancies caused by death or resignation, nor shall any member of said force, under the grade of captain, be removed until after charges are preferred in writing and an opportunity to appear and defend against the same with witnesses before the city council, but any member may be suspended pending such hearing.

Suppression of riots.

SEC. 165. Suppression of riots.—The mayor, or acting mayor, the superintendent of police, the captain of police, the sheriff of the county and all police officers shall be conservators of the peace, and may command the peace, and suppress in a summary manner all riotous or disorderly behavior or proceedings within the city limits, and for such purpose may require the assistance of all bystanders, and, if need be, of all citizens; and in suppressing any riotous and disorderly behavior or proceedings, the supreme authority to command and direct shall reside in the senior or superior officer present, in the order in this section above mentioned.

Penalty for failure to assist

SEC. 166. Penalty for failure to assist.—If any bystander or citizen shall refuse to aid in preserving the peace, or in suppressing riotous or disorderly behavior or proceedings, when thereto required as provided in the last preceding section, he shall be liable to a fine of not less than ten (10) dollars or more than one hundred (100) dollars.

Acting without authority.

SEC. 167. Acting without authority.—If any person shall without lawful authority assume to act as a police officer of said city, or falsely pretend to be authorized so to act, or wear the badge of a police officer within said city he shall be liable to a fine of not less than ten (10)

dollars nor more than fifty (50) dollars, or to imprisonment for a term not exceeding thirty (30) days.

Citizens must assist.

SEC. 168. Citizens must assist.—If any person shall willfully refuse or neglect to assist the superintendent of police or any police officer of said city in making a lawful arrest when requested by such superintendent or officer so to do, or shall willfully resist, impede or obstruct such superintendent or officer in making or attempting to make a lawful arrest, or in the performance of any other official duty, such person so offending shall be liable to a fine of not less than ten (10) dollars or more than fifty (50) dollars, or imprisonment for a term not exceeding thirty (30) days.

Police relief fund—how maintained.

SEC. 169. Police relief fund.—In any city having, or in which there shall hereafter be, a police department relief association, whose articles of incorporation and by-laws shall have been approved by the city council, there shall be paid to such association, in addition to other sums now provided by law, the following: All rewards for the apprehension and conviction of offenders, all witness fees or other fees, emoluments, gifts or gratuities received or receivable by any member of the police department in the line of his duty; such portion of all sums obtained from the forfeiture of city criminal bonds and receipts from the licensing of dogs, and of moneys paid into the municipal court of any police court of the city as fines collected in criminal cases as the city council may determine.

Treasurer.

SEC. 170. Treasurer.—The city treasurer shall be treasurer of the police department relief association, and all moneys paid for said association shall be paid directly to said treasurer.

Police pension fund—how distributed.

SEC. 171. Police pension fund.—Any city may, by ordinance, provide for the establishment of a police pension fund to be under the control of a board of trustees to consist of the mayor, controller and treasurer, and appropriations therefrom for pensions may be granted to any member of the police force serving as superintendent, captain, lieutenant, sergeant, inspector, detective or patrolman at the time of the passage of such ordinance, or to any person who has been or may hereafter become a member of the police force in either of the capacities aforesaid, to be paid from the police pension fund by appropriations thereof, as follows:

First.—To any such member of the police force in either of the capacities aforesaid, who shall have performed police duty in said city for a period of twenty-five (25) years or upwards, and shall have arrived at the age of not less than fifty-five (55) years, and who shall have retired from such service, and during the

period of such retirement; *provided*, whenever a police officer who has been or hereafter may be so pensioned shall thereafter accept a position on the police force, such officer shall forever forfeit his rights to be placed back on the pension list.

Second.—To any such member of the police force who shall be rendered unfit for service as a member of such force from injury received while in actual performance of police duty. Such sum awarded, granted and paid as a pension to any person, as provided in subdivisions 1 and 2 above, shall not amount to an annual sum during his lifetime greater than one-half (½) the full pay of a member of said police force of the rank of the member so pensioned; *provided, however*, that no pension granted under the provisions of this act shall exceed the sum of six hundred (600) dollars per annum nor a greater total than four thousand (4,000) dollars.

Third.—To the widow (while she remains such) of any member of the police force in either of the capacities aforesaid at the time of, or prior to the passage of this act and such ordinance, or who may thereafter become a member of the police force, who shall have been killed while in the actual performance of police duty, or shall have died from the effect of any injury received while in the actual discharge of such duty, a sum not to exceed four hundred (400) dollars per annum, and such pension may date from the time of the death of such member, the total amount not to exceed two thousand (2,000) dollars.

Fund—how constituted.

Sec. 172. Fund, how constituted.—Such police pension fund shall consist of the appropriation of such portion of the moneys paid into the muncipal or other court of the city as fines collected from criminal cases, as the city shall in such case determine, and all fines imposed by the mayor of such city upon members of the police force; and if, at any time, there shall not be sufficient money to the credit of the police pension fund to pay all claims against it in full an equal percentage shall be paid upon such claims to the full extent of the fund on hand, and shall be accepted as payment in full of his claims by the pensioner, and no pensioner shall have a legal or equitable demand or cause of action against said city, save as to the extent of his proportionate share of such fund under the provisions of this act and such ordinance; *provided, however*, that any person who has been heretofore retired from any police force of any city in this state under any existing law, shall continue to receive from such city such sum as has

been heretofore granted to such person under any such law.

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CHAPTER VIII.

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FIRE DEPARTMENT.

Appointment of chief engineer.

Sec. 173. Appointment of chief engineer.—In all cities of the state maintaining a fire department, the city council shall at the time of the appointing of other city officers, appoint a chief engineer of the fire department, and in cities not now having a fire department the city council thereof may by ordinance establish such department.

Duties.

Sec. 174. Duties of engineer.—The chief engineer, under the direction of the city council, shall have the custody and general superintendence of the fire department, engines and engine houses, hooks and ladders, hose and horses, public cisterns and other property and conveniences for the extinguishment and prevention of fire; and it shall be his duty to see that the same are kept in order, and to see that the rules and regulations and ordinances relative to the fire department and to the prevention and extinguishment of fires are duly executed; and to make detailed and particular report of the state of the department and conduct of the members thereof and such other matters as may be required by the rules and regulations of the city council.

Assistants.

Sec. 175. The city council may provide for the appointment of one or more assistant engineers and for one or more fire wardens, and shall provide for the appointment of a proper number of firemen and such number of hook and ladder men and hose men as they may deem necessary, and shall fix the salaries thereof.

How appointed

Sec. 176. The chief engineer shall appoint, subject to the regulations herein made, all assistants, wardens, firemen, hook and ladder and hose men provided for by the city council, and shall report such appointments to the city council.

Appointments and promotions—rules.

Sec. 177. All appointments and promotions to and in the fire force made by the chief engineer shall be made under and in pursuance of rules to be prescribed by the city council, providing for the ascertainment of the comparative fitness of all applicants therefor by a systematic, open and competitive examination of such applicants. No appointments to positions in said fire force shall be made by the city engineer except of men in said force prior to the adoption of this act, until such rules have been promulgated, except to fill vacancies caused by death or resignation.

Punishment and discipline.

SEC. 178. The city council shall prescribe rules for the punishment and discipline of members of the fire department, and may provide for the summary suspension, without pay, of any member of the department, except the chief engineer, for any misconduct, insufficiency or insubordination, and the chief engineer shall have power to make such suspension.

Removals.

SEC. 179. The chief engineer of the fire department shall be subject to removal by the city council in the same manner as herein provided for the removal of other city officers. Any other member of the fire department may be removed upon recommendation of the chief engineer of the department by the chief engineer, mayor and president of the city council, acting as a board of removal, whenever such board shall deem it for the best interest of the city to remove such member; and the chief engineer shall have authority to suspend, without pay, any member of the department pending an investigation by said board concerning the removal of such member. But no member of said department, under the grade of captain, shall be removed until after charges are preferred in writing and an opportunity to appear and defend against the same with witnesses before said board.

Reappointments.

SEC. 180. In appointing members of the department, as herein provided, the chief engineer shall, in all cases, reappoint the members in the department immediately prior to such appointment, unless said board of removal shall deem it for the best interest of the city not to reappoint certain members of the department, and in that case the chief engineer shall at the time of reporting to the city council the appointments made by him, report the certificate of said board of removal, stating the names of the members that such board deemed should not be reappointed.

Duties of fire force.

SEC. 181. Duties of fire force.—The city council shall prescribe the duties of the chief engineer and other members of the fire department at fires, and may vest in them such power as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said council, or any officer of the city direct the chief engineer or assistants during any fire; the council may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose upon the engineer, fire wardens and other officers of the city; they shall require reports from the chief engineer and other officers in charge of the department of all fires, fire alarms, losses and insurance on all property destroyed, and keep proper

record thereof, and it shall be competent for the city council to provide for the sending of any steam or fire engines, with hose and apparatus, to the relief of any community in the vicinity of the city.

Fire alarms and apparatus.

SEC. 182. The city council shall have power to establish and maintain an efficient system of fire alarm, telegraphic and telephone apparatus, and to purchase or lease such fire engines and other fire apparatus and fire protection as may be necessary to secure the highest efficiency of the department.

Compensation to injured firemen.

SEC. 183. The city council may provide for the allowance to firemen injured in actual service in the department and rendered incapable of performing the duties of firemen, full or half pay for a period not to exceed twelve months, but not exceeding in any case the period of disability; but this provision shall not apply to cities where a fireman's relief fund is maintained in whole or in part by funds received otherwise than by contribution of the firemen.

May destroy adjacent buildings.

SEC. 184. Destruction of buildings adjacent to fires. —Whenever any building of said city shall be on fire it shall be the duty of and be lawful for the chief engineer to order and direct such or any other building in the vicinity, which he may deem hazardous and likely to communicate fire, or any part of such buildings, to be pulled down and destroyed, and no action shall be maintained against any person or said city therefor.

CHAPTER IX.

DEPARTMENT OF PARKS.

Appointment.

SEC. 185. In addition to the other city officers in cities maintaining a system of public parks, there shall be a board of park commissioners, consisting of five members, and who shall serve without compensation, who shall be appointed by the mayor and who shall each hold office for the term of five years and until their successors shall have been appointed and qualified; *provided, however*, that in making the first appointment under this act such commissioners shall be so classified that the term of office of one shall expire on the second Tuesday of the first January after his appointment; one on the second Tuesday of the second January after his appointment; one on the second Tuesday of the third January after his appointment; one on the second Tuesday of the fourth January after his appointment; and one on the second Tuesday of the fifth January after his appointment; and thereafter upon the expiration of terms of office appointments shall be made for

full terms of five years; *provided, however*, in filling of vacancies appointments shall be made only for unexpired terms; and in cities not now maintaining a system of public parks the city council thereof may by ordinance establish a system of public parks, and thereafter there shall exist in said city a board of park commissioners, who shall be appointed as herein provided.

Superintendent

SEC. 186. The board of park commissioners shall appoint a superintendent of parks and may employ and dismiss such employes as may be necessary in the maintenance of said parks, and fix the compensation of such employes, subject, however, to the rules and regulations of the city council governing city employes.

Duties.

SEC. 187. The superintendent of parks shall, under the direction of the board of park commissioners, have general supervision of all work and improvements on any public park, parkway or boulevard in the city, and shall see that all ordinances and rules of the city council relating to such public parks, parkways and boulevards are properly enforced.

Powers of commissioners.

SEC. 188. The board of park commissioners shall have power to recommend to the city council the acquirement by gift, purchase or condemnation of real estate for public parks, and may from time to time make such recommendations affecting the public parks of the city as they may deem proper.

CHAPTER X.

CIVIL SERVICE.

Examinations.

SEC. 189. Examinations.—All assistant engineers, inspectors and assistant inspectors, the proper discharge of whose duties require technical skill, knowledge or training, shall be appointed only after a fair competitive and open examination of all applicants for such appointment, said examination to be conducted before an impartial board of not less than three nor more than five experts, unless otherwise provided by law, which board shall certify to the qualification of such candidates as they deem thoroughly competent, and no candidate shall be appointed until so certified to. The city council shall by ordinance provide for the appointment of such board and the time of holding and manner of conducting such examination; *provided*, any candidate for any of said positions who, at the time, is holding the position to which he desires reappointment, if such officer has once been examined and certified to as competent, he need not be again examined as a condition of such reappointment, and preference over other

applicants shall always be given to any such officer who has been efficient in the discharge of his duties.

Clerks.

SEC. 190. Clerks.—All clerks employed in the various departments shall be appointed for competency only, and in making appointments to any such position preference shall always be given to the person occupying such position, if he has been efficient in the discharge of his duties.

Registration of laborers.

SEC. 191. Registration of laborers.—The city council shall provide books for registering the names of persons desiring employment on the public works of the city, and shall prescribe rules governing such registration. Any person desiring employment by the city shall first register his name as herein provided and shall be a *bona fide* resident of such city.

Laborers—how selected.

SEC. 192. Selection of laborers.—The city council and all heads of departments empowered to employ labor under the provisions of this act shall give preference to persons registered as provided in section one hundred and eighty-nine, and shall, as far as possible consistent with the best interests of the city, give employment to the persons so registered in the order of their registration.

CHAPTER XI.

CITY CLERK.

City clerk—appointment.

SEC. 193. City clerk.—The city council, at the meeting of its organization, shall appoint a city clerk, whose term of office shall be two (2) years, and who shall keep the corporate seal of the city and all the papers and records of the city, except as in this act otherwise provided, and a record of the proceedings of the city council, whose meetings it shall be his duty to attend.

Duties—records—legal evidence.

SEC. 194. Copies of records—legal evidence.—Copies of all papers filed in his office and transcripts from the records of the city council, certified by him under the corporate seal, shall be received in evidence in all courts the same as though the originals thereof were produced by the city clerk at the trial, and he shall receive for certified copies of papers and instruments the same fee as allowed by law to the clerk of the district court of the county in which such city is situated, for like services. He shall draw and sign all orders on the treasury on the order of the city council, and shall keep a full and accurate account thereof in the books provided for that purpose, and shall sign all contracts and affix the seal of the city thereto and deliver the same to the city controller. All fees received by him shall be covered into the city treasury each month.

May administer oaths.

SEC. 195. May administer oaths.—The city clerk shall have power to administer oaths and affirmations and take and serve acknowledgments of deeds and other instruments in all cases in which the same are required or sanctioned by law, and shall perform all other services required of clerks in cities or townships in this state.

Official publications.

SEC. 196. Supervision of official publications.—The city clerk shall have the supervision of all printing and official publications ordered by the city council. He shall cause to be published in the official paper the minutes of all proceedings of the city council as soon after each meeting as practicable.

Assistants.

SEC. 197. Assistants.—The city clerk shall have power when authorized by the city council to appoint a deputy city clerk, who shall hold his office during the pleasure of the city clerk, and shall have authority, under the direction of the city clerk, to perform all the duties of the city clerk. The city clerk may, when authorized by the city council, select such other assistants as may be necessary in his office, the salary of said assistant city clerk and all such assistants to be paid by the city, the amount of compensation to be fixed and determined by the city council.

Salaries of Assistants.

CHAPTER XII.

CITY ATTORNEY.

Appointment—term.

SEC. 198. Appointment.—The city council, at the meeting of its organization, shall appoint a city attorney, whose term of office shall be two years.

Duties.

SEC. 199. Duties.—He shall be the legal advisor of the city and shall perform all the services incident to the office, and shall appear in and conduct all civil suits, prosecutions and proceedings in which the city shall be directly or indirectly interested, except as otherwise provided in this act, and, when necessary, take charge of and conduct all prosecutions for violation of city ordinances and perform such other duties as may be required of him by law.

Opinions.

SEC. 200. Opinions.—He shall, when so required, furnish opinions upon any subject submitted to him by the city council or any of the committees or boards thereof. He shall advise the city council and all city officers in respect to their official duties. He shall personally or by an assistant attend all the meetings of the city council and such of its committees or boards as shall request his attendance, and no board, department nor officer of

the city shall have or employ any other attorney in connection with their official duties.

Assistants—duties.

SEC. 201. Assistants.—The city council may determine the number and fix the salaries of such assistants and clerical force as may be necessary in the department of the city attorney, and all such assistants and clerical force shall be appointed by the city attorney. He shall designate one of such assistants as the first assistant city attorney. Such first assistant attorney shall have, in the absence or disability of the city attorney, the same powers and duties as are prescribed herein for the city attorney, and the city council may provide for such temporary assistants to the city attorney—to be appointed by the city attorney—as may be necessary. In case no assistant city attorney is provided for, the city attorney, in case of absence, sickness or other inability, may at his own expense appoint an attorney to act in his stead for the time being.

Appeals—actions.

SEC. 202. Appeals.—The city attorney, unless otherwise ordered by the city council, shall have the right to decide whether or not, in any case in which the city is a party in any court, to take an appeal from any order, judgment or determination of the court, and in case of any such appeal, or in case of suing out any writ of error, certiorari, mandamus, attachment or any writ from any court, the city shall not be obliged to give any bonds, either for costs, supersedeas or any other purposes whatever. The city attorney shall notify the city council of the result of all actions to which the city is a party, or in which it is interested.

CHAPTER XIII.

CITY ASSESSOR.

Appointment—term.

SEC. 203. Appointment.—The city council, at the meeting for its organization, shall, by resolution, appoint a city assessor, whose term of office shall be for two (2) years.

Deputies—tenure.

SEC. 204. Deputy assessors and clerks.—The city assessor shall each year appoint such number of deputies as may be required to enable him to properly perform the duties of his office, who shall serve during the time of the making of the list of property for taxation, but only so long as their services may be needed. The city assessor shall discharge such deputies from time to time as he can spare, and the city council may order said deputies or any of them to be discharged at any time. The city assessor shall present to the city council at the second regular meeting thereof in March in each year

the names of such persons as he shall desire to have for deputies, designating in each case the time when the appointees shall, with the approval of the city council, commence to serve as such deputies, which time shall be long enough before May 1st so that each may, before that day, be assigned to his portion of the work and be properly prepared and instructed to do the same. The city assessor shall also employ such clerks as may be necessary, their number to be reduced or increased as occasion may require or the city council may direct.

Duties.

Sec. 205. Duties.—The city assessor and his deputies shall qualify in the manner and form prescribed by general law. The city assessor and his deputies shall perform all the duties required by the General Laws of this state respecting the listing of property for taxation.

Duties of deputies.

Sec. 206. Duties of deputies.—Notices may be signed and given and other acts in the line of his duty done by any deputy assessor in the name of the city assessor; *provided*, however, that in cities situate in counties where there is a county assessor provided for by law, then such city, if accepting the provisions of this act, shall continue to be governed in that respect under such law, and shall not elect a city assessor as provided in this act.

Board of equalization.

Sec. 207. Board of equalization.—The board of equalization shall consist of the president and four (4) members of the city council, to be chosen by it. Such board shall meet at the city council chamber on the second Monday in July of each year, and the members shall be sworn according to law as such board of equalization, and at such time and from day to day thereafter as they may adjourn to, such board shall proceed to amend, revise and equalize the assessments made by the assessor.

Powers of board.

Sec. 208. Powers of board.—Such board shall be vested with all the powers which are or may be vested in county boards of equalization, so far as applicable, but shall not be restricted as to reducing the aggregate sum of real or personal property as returned by the assessor. It shall complete such equalization on or before the second Tuesday in August of each year, and when completed the same shall be certified to the county auditor by the board of equalization.

Grievances.

Sec. 209. Grievances.—Any person deeming himself aggrieved by any assessment may appear before such board personally or by counsel and present his grievance for consideration, and the said board shall have power to compel the attendance of witnesses and the

production of papers, and to examine any person as to any taxable property in said city.

CHAPTER XIV.

CITY ENGINEER.

Appointment —qualifications

Sec. 210. Appointments—In cities containing a population of over fifteen thousand inhabitants, the city council shall, at the meeting for its organization, appoint a city engineer, who shall be a practical civil engineer, and who shall perform and have direction of all civil engineering work for all departments of the city. In cities containing a population of less than fifteen thousand inhabitants the city council shall, at the meeting for its organization, appoint a street commissioner, who shall have, under the direction of the city council, charge and control of the streets of the city, and shall perform such other duties as the city council shall order. The term of office of the city engineer and street commissioner shall be for two (2) years. Any city having a population of less than fifteen thousand inhabitants may also employ from time to time a civil engineer to perform such civil engineering for the city as may be necessary. The city engineer, whose term of office shall be for two years, shall keep his office at some convenient place in said city, and the city council shall prescribe his duties and fix his compensation and the compensation of all the assistants employed by him.

Term.

Assistants.

Sec. 211. Assistants.—The city engineer may, with the consent of the city council, appoint an assistant city engineer, who shall act as city engineer in the absence or disability of the city engineer. The city engineer may also employ such permanent and temporary assistants as the city council may deem necessary.

Duties.

Sec. 212. Duties—He shall have the supervision and general charge of all the work done for the city and all work done on any street, highway or alley in the city; may direct the manner of performing such work and the manner of the construction of all sidewalks, street crossings, bridges or other structures in or upon said streets; may suspend any such work when the construction thereof shall not conform to, and shall take care that the terms of all contracts for any work or construction on behalf of the city are fully complied with.

Surveys, &c.

Sec. 213. Surveys, etc.—All surveys, profiles, plans and estimates made by him or any of his assistants for the city shall be the property of said city and shall be

carefully preserved in the office of the engineer and be public records of the city. All deeds of conveyance to the city shall, after being recorded in the proper office, be filed in the office of the city engineer, and the city engineer shall perform such other duties as are in this act, or may be by the city council required.

Deeds to city.

CHAPTER XV.

EMINENT DOMAIN; LOCAL IMPROVEMENTS AND ASSESSMENTS. DIVISION I.

Condemnation, property and rights acquired by.

Sec. 214. Condemnation, property and rights acquired by.—Any city existing under this act is hereby authorized and empowered by proceedings in condemnation acquire any real property or easement therein, for the purpose of the erection or improvement of any public building or any permanent improvement incident to the operation of any department, and for the opening, widening, laying out, extending, altering or straightening of any street, avenue, alley, highway, levee, lane or public square, park, parkway or boulevard, to acquire land for and the right to raise, lower, divert or change the course of any stream of water, ditch or drain; to acquire an easement in the land over, across or under the property of corporations, for streets, bridges, approaches, culverts, depots, sewers, conduits or water mains; to acquire an easement in any land for the construction of slopes or retaining walls for cuts and fills, upon the real property abutting upon any street, levee, lane, alley or highway, now ordered, or such as shall hereafter be ordered, to be opened, widened, extended, altered, straightened or graded; to acquire the right to take or divert from any lake, stream, dam, pond, reservoir or any public waters, whether the same be public or private property or rights, any and all water necessary or convenient for the use of said city and the inhabitants thereof, and for that purpose to construct and maintain dams and in-take pipes, and to acquire land, abate nuisances, to drain swamps, marshes and ponds, and to fill the same in said city, and to acquire any property, real or personal, and rights in property, either within or without the limits of said city, for the purpose of erecting, maintaining, extending or improving water or light works, or that may be needed in connection therewith for the protection of the purity of the water supply, or otherwise, or for other municipal purposes, and to levy assessments for all improvements mentioned above, and for such other local improvements as may be ordered by said city upon property

fronting upon such improvements, or upon property to be benefited by such improvement, without regard to cash valuation.

Improvements, assessments for benefits, plats of improvements, &c.

SEC. 215. Improvements for which assessment is made for benefits; designation and plat of improvement.—When the city council shall vote to lay out, open, widen, extend, alter or straighten any street, avenue, alley, highway, levee, lane or public square, park or parkway, or boulevard, or to raise, lower, divert or change the course of any stream of water, ditch or drain, or to acquire an easement in the land over, across or under the property of corporations, for streets, bridges, approaches, culverts, depots, sewers, conduits or water mains, or to acquire an easement in any land for the construction of slopes or of retaining walls, for cuts and fills, upon real property abutting upon any street, levee, lane, alley or highway now ordered, or such as shall be hereafter ordered to be opened, altered, extended, straightened or graded; or to acquire land to abate nuisances; or to drain swamps, marshes and ponds, or to fill the same, making it necesssary to injure, take or interfere with private property, it shall determine in a general way, as nearly as may be convenient, the character and extent of the proposed improvement; and thereupon it shall be the duty of the city engineer to make and present to the city council a plat and survey of such proposed improvement, showing the character, course and extent of the same, and the property necessary to be taken, injured or interfered with therefor, together with the name of the owner of each parcel of such property, so far as the engineer can ascertain the same, with such statements as may be, in the opinion of the engineer, proper to explain the character of such survey and the character and extent of such proposed improvement. Such plat shall show approximately the amount of land to be taken from each owner, so far as the owners can be readily ascertained, and the lands contiguous to such improvement; and the city council may cause such plat and survey to be modified, amended or changed, as it may deem proper. When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk and shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

Appointment and qualification of commissioners.

SEC. 216. Appointment and qualification of commissioners.—The city council shall then or at a subsequent meeting appoint five (5) commissioners (all of whom shall be freeholders and electors of the city and not in any way interested in any property to be taken or

affected by the proceedings) to view the premises and ascertain and award the amount of damages and compensation to be paid for the property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expenses of the improvement so far as the same can be so assessed upon the lands to be benefited by such improvement in proportion to the benefits to be received by each parcel, without regard to cash valuation. Three or more of the said commissioners shall constitute a quorum and be competent to perform any duties required of the whole number thereof.

Meeting and qualification—duties.

Sec. 217. Meeting and qualification.—Said commissioners shall be notified forthwith by the city clerk by a notice served personally or by mail, of their said appointment, and of a time not less than three (3) nor more than seven (7) days from the appointment, when they shall meet at the office of the city clerk. At the time specified in such notice said commissioner shall meet and shall take and subscribe an oath to discharge their duties as such commissioners with fidelity, and to make a just and impartial appraisement and award of damages and assessment of benefits, which oath shall be filed with the city clerk. In case of failure of any said commissioner to qualify, the city council may appoint others to fill the vacancy, who shall be notified and qualified as those appointed in the first instance.

Notice given by commissioners.

Sec. 218. Notice given by commissioners.—Said commissioners shall give notice by two publications in the official paper of said city that they will go on a day designated in such notice (which shall be at least ten (10) days after the first publication), meet at a place designated in such notice, and thence proceed to view the property proposed to be taken and appropriated, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement and assess thereon, in proportion to the benefits, the amount necessary to pay such compensation and damages and the expenses of the improvement or such part thereof as can be so assessed, and hear such allegations and proofs as any persons may offer.

Proceedings and award of damages.

Sec. 219. Proceedings and award of damages.—At the time and place specified in such notice, and from day to day thereafter, and at such other places in said city as they may adjourn to, said commissioners shall attend and view the property to be taken and affected by such proceedings, and hear allegations and proofs that may be offered by persons interested herein, and for that purpose may administer oaths. After viewing the premises and taking the evidence offered, such com-

missioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid for each parcel or piece of property taken or injured by such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners in considering and awarding such compensation or damage shall also consider, estimate and offset the benefits which shall accrue to the remainder of the same property belonging to the same person, and shall award only the excess, if any, of the compensation or damages over and above the benefits; and, in case such benefits are in excess of the compensation or damages, the commissioners shall so state in their report of award, and shall assess such property for benefits in the proportion that such excess of benefits bears to the benefits accruing to other property. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the awards shall be for the damage to land and improvements separately.

Assessments for benefits.

Sec. 220. Assessments for benefits.—The said commissioners shall then assess the amount of such compensation and damages as awarded, together with the expenses of the improvement, less such portion thereof as the city council shall order, upon the land and property benefited by such improvement, in proportion to such benefits, but in no case shall the amount of said assessments exceed the actual benefit to the lot or parcel of land so assessed. If in the judgment of said commissioners, the whole amount of such compensation and damages awarded, together with the expenses of the improvement, shall exceed the actual benefit to the property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess.

Report of commissioners.

Sec. 221. Report of commissioners.—Said commissioners shall prepare and report to the city council their appraisement and award, and assessment list containing their assessment for benefits; which list shall contain a brief description of each tract or parcel of property taken or injured or assessed, the name or the names of the owners thereof, so far as known to said commissioners, and the amount of damages awarded to or assessed against each parcel of property; which report shall, upon completion thereof, be filed with the city clerk, by said commissioners, for presentation to the city council.

Notice by city clerk of filing of such report.

Sec. 222. Notice of presentation to the city council.—Upon the filing of such report, the city clerk shall give notice to all interested parties, by one publication in the official paper of said city, of the filing of such report and that he will, at the meeting of the city council named in said notice, or as soon thereafter as practicable, present the same to the city council for consideration and action; which publication shall occur at least five (5) days before such presentation. Such published notice shall contain descriptions of the several lots and parcels of land taken for such proposed improvement and the amount of award for taking such lot or parcel, together with the names of the owner or owners of the same, as nearly as they may be readily ascertained; also descriptions of the several lots and parcels of land upon which benefits have been assessed and the amount assessed against each such lot or parcel, together with the names of the owner or owners of the same as nearly as the same can be readily ascertained.

Report presented to council.

Sec. 223. Presentation of report and objections thereto.—Such report shall be presented to the city council in accordance with such notice, and shall lie over until the next regular meeting thereof, occuring one week or more thereafter. Any person whose property is proposed to be taken or interfered with or affected, or to be assessed for benefits, may at any time within ten (10) days of the publication of such notice, file with the city clerk, who shall present same to the city council, his objections to such award or compensation or damages or assessment for benefits; which objections shall contain a description of the property affected and shall specify the particular irregularity of which he complains, as to amounts either awarded or assessed, or as to the proceedings of the city council or commissioners.

Objections—filing.

Action by city council on report.

SEC. 224. Action of city council on report.—At such subsequent meeting the city council may confirm such award or assessment or may annul the same, or may refer the same to a committee to consider the same and the objections thereto, and report thereon, or refer the same back to the same or new commissioners, or abandon the proceedings, and in case of abandonment may institute them anew. In case the same be referred back to the commissioners, notice of such fact and of the time and place of meeting shall be served by the city clerk upon the commissioners, in the same manner as the original notice of the appointment of commissioners was served, and thereupon the commissioners shall meet and proceed to act as though no report had been made and shall make a new report or amend the former

report upon such proposed improvement, and all proceedings therein shall be had in like manner as in the first instance. In case the city council shall confirm any such award or assessment, such confirmation shall make such award or assessment final and conclusive upon all parties interested, unless an appeal be taken as hereinafter provided.

Confirmation, final unless appealed.

SEC. 225. Condemnation without assessment for benefits, designation and plat.—Whenever the city council shall consider it necessary to acquire by condemnation any real property or easement therein for the purpose of erection or improvement of any public building, or any permanent improvement incident to the operation of any department, or to acquire any water power, or right to take or divert any lake, stream, dam, pond, reservoir or any public waters, whether the same be public or private property, or rights, any and all waters necessary or convenient for the use of said city and the inhabitants thereof, and thereto to construct and maintain dams and intake-pipes, or to acquire any other property, real or personal, or rights in property situated within or without the city, it shall designate the same as nearly as may be convenient, and vote to acquire the same, and thereupon it shall be the duty of the city engineer to make and present to the city council such plat or survey or description as may be necessary to show or explain the same and the property necessary to be taken, or interfered with thereby. The city council may cause such plat or survey or description to be modified, amended or changed as it may deem proper, and may adopt the same, and thereupon shall direct the same to be filed in the office of the city clerk.

Condemnation without assessment for benefits, designation and plat.

SEC. 226. Appointment of commissioners. The city council shall then or afterwards appoint five (5) commissioners having the qualifications prescribed for commissioners as hereinbefore provided in condemnation proceedings, to view the land, property or water power, or to investigate the rights to be acquired, taken or appropriated, and ascertain and award the amount of damages or compensation to be paid for the property or rights to be acquired, taken or approriated.

Appointment of commissioners.

SEC. 227. Proceedings and report of commissioners. —Said commissioners shall be notified of their appointment and time of meeting, and shall meet and give like notice thereof, and shall qualify and be governed by the same rules and the same number may act as hereinbefore provided for commissioners in condemnation proceedings. After viewing the premises and hearing the evidence offered, said commissioners shall make a true and impartial appraisement and award of the

Proceedings and report—filing.

compensation and damage to be paid for each tract or parcel of land, property or rights to be taken, acquired, appropriated or interfered with, and report the same to the city council. Upon the completion of said report, they shall file the same with the city clerk for presentation by him to the city council.

Notice by city clerk of filing of report.

SEC. 228. Notice by the city clerk of reception of report.—The city clerk shall give notice to all interested parties by one publication in the official paper of said city, of the filing of such report, and that he will, at its first meeting, or as soon thereafter as practicable, present the same to the city council for consideration and action, which publication shall occur at least five (5) days before such presentation; such published notice shall contain a description of the several lots and parcels of land, or the property taken for such proposed improvement, and the amount of award for taking each lot or parcel of property, together with the name of the owner or owners of the same, as nearly as they can be readily ascertained.

Presentation to city council.

SEC. 229. Presentation of report and objections thereto.—Such report shall be presented to the city council in accordance with such notice, and shall lie over until the next regular meeting of the city council occurring at least one week after the reception of such report. Any person whose property is proposed to be taken or interfered with, may at any time within ten (10) days of the publication of such notice, file with the city clerk, who shall present the same to the city council, his objections to such award of compensation of damages, which objection shall contain a description of the property affected, and shall specify the particular irregularity of which he complains, as to the amounts awarded or as to the proceedings of the council or of the commissioners.

Objections.

Action by city council on report.

SEC. 230. Action of city council on the report.—At such subsequent meeting the city council may act upon such report and award, and may hear any objection thereto, or may refer the matter to a committee to hear such objections and report thereon. The city council may confirm such award or annul the same, or send the same back to the same or new commissioners for further consideration, in which case such commissioners shall give notice and proceed in like manner as herein prescribed in the case of a second reference to commissioners by the city council in condemnation proceedings. When any such report and award shall be confirmed by the city council, the same shall be final and conclusive upon all parties interested, unless an appeal be taken therefrom as hereinafter provided.

Confirmation.

Appeals.

SEC. 231. Appeals from confirmation of report.—Any person who shall have objected as aforesaid to the confirmation of any such award or assessment may appeal therefrom to the district court of the county in which the property affected is situated, by filing with the city clerk, within ten (10) days after such confirmation, a notice in writing of such appeal, specifying the grounds thereof and the irregularities in the proceedings complained of, and such appellant shall, within said time, enter into a bond or undertaking with the city in at least the sum of one hundred (100) dollars, conditioned to pay all costs that may be awarded against appellant, which bond shall be executed by two sureties and approved by the city attorney or by the judge of said court, and filed with the city clerk.

Record transmitted to district court.

SEC. 232. City clerk to transmit record to the district court.—Upon the filing of such notice and bond the city clerk shall within ten (10) days, make and transmit to the clerk of said district court, a certified copy of the report of the commissioners as confirmed by the city council, and of the order of confirmation thereof, and the objections and notice of appeal by the appellant. In case more than one appeal be taken therefrom, upon such subsequent appeal copies of the appellant's objections and notice of appeal only shall be transmitted.

Proceedings on appeal.

SEC. 233. Proceedings in court of appeal.—There shall be no pleadings on such appeal, but the court shall determine in the first instance whether there were in the proceedings any such irregularities or omission of duty prejudicial to the appellant and specified in both his written objections and notice of appeal, that, as to him, the award or assessment of the commissioners ought not to stand, and whether the commissioners had jurisdiction to take action in the premises. The case may be brought on for a hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to either confirm or annul the proceedings only as the same shall affect the property of the appellant proposed to be taken, damaged or assessed for benefits and described in said written objection. From such determination no appeal nor writ of error shall be allowed.

Commissioners on appeal.

SEC. 234. Commissioners appointed by the court to determine award or assessment as to the appellant.—In case the amount of damages awarded or assessments made for benefits are complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, appoint three disinterested freeholders, residents of said city, as commissioners to re-appraise such damages or re-assess such benefits.

Court to fix time and place of meeting.

The parties to such appeal shall be heard by said court, upon the appointment of such commissioners, and the court shall fix the time and place for meeting of such commissioners. They shall be sworn to the faithful discharge of their duties as such commissioners, and shall proceed to view the premises and hear the parties interested, with their allegations and proofs pertaining to the question as to the amount of such damages or assessments. The commissioners shall be governed by the same provisions in respect to arriving at the amount of damages and the offset thereto of benefits to the remainder of the same property and in all material respects as are in this act made for the government of commissioners appointed by the city council.

Commissioners —how governed.

Commissioners to make report.

They shall, after such hearing and view of the premises, make a report to said court of their appraisal of damages or assessment of benefits in respect to such appellant.

Report of commissioners, if confirmed, to be final.

SEC. 235. Report of commissioners, if confirmed, to be final.—Upon the filing of such report, the court may, in its discretion, upon motion, set aside the same or recommit the same to the same commissioners, or appoint a new commission, or it may confirm the same. Upon such confirmation by the court, the award or assessment of such commission shall be final, and no appeal nor writ of errors shall be allowed from any order of the court in the premises. Said court shall allow a reasonable compensation to such commissioners for their services, and make such award of costs on such appeal, including such compensation, as it shall deem just in the premises.

Court to fix compensation for commissioners.

Right of abandonment.

SEC. 236. Right of abandonment.—The city council shall have the right at any time during the pendency of the proceedings for the improvements authorized in this act, or in case an appeal be taken as herein provided, at any time within sixty days after the final order of the court upon such appeal, to abandon all such proceedings whenever it shall deem it for the best interests of the city so to do.

Effect of final determination of proceedings.

SEC. 237. Effect of final determination of proceedings.—Whenever an award of damages and compensations shall be confirmed by the city council, and not appealed from, and whenever the same, when appealed from, shall not be annulled by the court, and whenever commissioners are appointed on such appeal and the award of such commissioners is confirmed by the court, and the proceedings are not abandoned by the city council, within sixty (60) days thereafter, then the rights of all parties shall be finally determined and fixed thereby, and the same shall constitute a lawful and suf-

ficient condemnation and appropriation to public use of the land, property and rights in property for which compensation and damages are so awarded or determined, and every right, title, interest or lien thereto, and the city shall become vested with the title to the property taken and condemned absolutely for all purposes to which the city may ever have the occasion to use the same, and may forthwith enter upon and use the same; and the city shall be bound to and shall within one year of such final determination, pay the amount of such award and compensation, with interest thereon at the rate of six (6) per cent per annum from the date of the confirmation of the commissioners' report by the city council.

Rights of all parties to be determined.

City to pay award, with 6 per cent interest

SEC. 238. City clerk to file plat and certificate.—Within twenty (20) days after such final determination of the condemnation proceedings the city clerk shall file in the office of the register of deeds of the county in which the property is situated an accurate plat, certified to by the city engineer, showing the property condemned thereby, and the same shall be there recorded.

City clerk to file plat and certificate.

SEC. 239. Payment of awards.—Before payment of any award the owner of such property, or the claimant of the award, shall furnish an abstract of title, showing himself entitled to all of the compensation and damages claimed. In case of neglect to furnish such abstract, or in case there shall be any doubt as to who is entitled to such compensation or damage, or any part of the same, the amount so awarded shall be by the city council appropriated and set apart in the city treasury for whomsoever shall show clear right to receive the same. The city council may, in its discretion, require of said claimant a bond, with good and sufficient sureties, conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded, and all loss, costs or expenses on account of such claims; *provided*, that whenever the city attorney shall certify in writing to the city council that, in his opinion, he is in doubt to whom the said awards shall be paid, the city council may order a warrant to be drawn for the same, payable to the clerk of the district court of the county; and the city clerk shall deliver the same to said clerk of the court and take his receipt for the same, which deposit with said clerk of the court shall be deemed a full and sufficient payment of such award under the provisions hereof. The parties entitled to any award so deposited shall establish their right to the same by a petition to the said district court, setting up the facts entitling them thereto, and by proving the

Payment of awards—requirements necessary.

City council may require bond.

When title is in doubt, how settled.

same to the satisfaction of the court; and, when so established, the court shall make an order directing to whom the same shall be made.

When award is annulled by court, city council may again appoint commissioners.

SEC. 240. Proceedings in case award is annulled by court.—Whenever any portion of any award made by commissioners, and confirmed by the council, under the provisions of this act, shall be annulled by the court upon appeal, as hereinbefore provided for, the city council may again appoint commissioners to view the property which was affected by such appeal and appraise and award the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had, so far as practicable, as are prescribed herein to be had in the first instance, except that such commissioners shall make no new assessments of costs and expenses. They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which, in their judgment, the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the city council, whereupon the same proceedings may be had as far as applicable as upon an original award. If such award shall again, upon appeal, be annulled by the court, still another commission may be appointed and award made in the same manner, and so on, until a valid award shall be made, but no new assessment for benefits shall be made merely by reason of any change in the amount of the sum awarded for compensation and damages, and any sum which may be lacking to pay the award shall be paid from the permanent improvement fund.

Commissioners shall make no new assessments, etc.

Still another commission may be appointed.

Right of city to have condemnation instituted during pendency of suit.

SEC. 241. Right of city to have condemnation instituted during pendency of suit.—Whenever the city council shall have made or cause to be made, erected, constructed or laid on, across, through, in or upon any land or real estate to which said city council has not the title or right to enter upon the same, for the purpose of so making, erecting, constructing or laying any water main, sewer, conduits, building, structure, in-take pipe, dam, improvement, pavement, sidewalk, curbstone, gutter or other public work, or street grade, the city council shall have the right at any time in any suit in which the title to said real estate or land, or the right of said city to so be thereon for said purposes, is called in question, may by answer admit and allege the taking of the claimant's land or other real estate for public purposes, and that no compensation has been made for such taking, and that the said city is ready and willing to pay such compensation on having the same assessed

City may answer when no right exists.

and ascertained in the manner in this act provided; *provided*, the claimant on the trial shall establish his right to recover the land or other real estate in question, and in such case the court shall first determine whether the claimant is entitled to recover the land or other real estate in controversy; and if the court shall first determine that such claimant is so entitled, the city council may, within such time as the court shall limit, appoint commissioners as herein provided in condemnation proceedings, and like proceedings shall be had therein as herein provided in condemnation proceedings; *provided*, that when it shall appear that the land or other real estate was so taken or appropriated by and with the consent or acquiescence of the owner, such owner shall not be entitled to recover any rents or profits which accrued prior to demand for compensation for such land or other real estate, and he shall be limited in such case to compensation for the land taken and damaged. And the court shall have power to make all the necessary orders and render all the necessary judgments to carry out the provisions of this section.

Except where consent is given owner shall not be entitled to recover.

SEC. 242. City council to adopt assessment roll.—Upon confirmation of any award or assessment by the city council or by the court upon appeal, as herein provided, the city council shall proceed at the same or any subsequent meeting to levy such assessments upon the several parcels of land described in the assessment list reported by the commissioners, in accordance with such assessment list as finally confirmed, and cause to be made and adopted an assessment roll of the same.

City council to adopt assessment roll.

DIVISION II.

SEC. 243. Establishment and change of grade.—The city council shall have power to establish the grade of any street within the city limits. It shall cause accurate profiles of the grade of all streets, when so established, to be made and kept in the office of the city engineer. It may, by ordinance passed by the vote of two-thirds (⅔) of its members, change the grade of any street after such grades have been established; and the publication of such ordinance shall be deemed notice to all parties interested in the change of such grade. Upon the passage of such ordinance the city council may at once, or at any time thereafter, cause such street to be graded in accordance with such new grade so established.

Establishment and change of grade.

SEC. 244. Objection to change of grade.—The owner of property abutting upon a street, the grade of which has been once established, shall, within thirty (30) days after the publication of the ordinance changing the

Owner barred from claiming damages unless he files objections.

grade of such street, file in the office of the city clerk his objection thereto, and make claim for damages to the property caused by such change of street, or be barred from making any claim for damages. Such objection shall contain a description of the property claimed to be damaged and owned by such person, and the amount of damage claimed to be caused to such property by such change of grade, and shall be verified by the owner or his agent.

Appointment of commissioners to assess damages.

SEC. 245. Appointment of commissioners.—Upon the filing of any such objection and claim for damages, the city council shall at any time after the expiration of said period limited for the filing of objections, appoint five (5) commissioners of like qualifications as herein prescribed for commissioners in condemnation proceedings, to appraise the damages caused to the property or properties described in such objections, and to award the same to owner or owners of such property or properties and to assess the amount of damages so awarded upon the property benefited by such change of grade, in proportion to the benefits received by each tract or parcel without regard to the cash valuation thereof, but no property shall be assessed in excess of the benefits accruing to such property; and to report such award and assessment to the city council.

Hearing of commissioners.

SEC. 246. Hearing of commissioners.—The said commissioners shall be notified of their appointment, shall meet, give notice, perform their duties and act in like manner and shall be governed by the same rules as herein prescribed for commissioners in condemnation proceedings. Said commissioners shall, in making their award of damages, appraise and award damages caused to each parcel or tract of property described in such objections and claim for damages made as herein prescribed by reason of such change of grade, not including in such damages any damage to or interruption of the use of such property caused by the work done or to be done in making such street conform to the grade as so established, and in estimating such damages to be awarded as aforesaid, said commissioners shall consider and offset any benefit accruing to the said property by reason of such change of grade, and shall award only the excess of damages over such benefits, if any.

To consider both benefits and damages.

Report of commissioners.

SEC. 247. Report of commissioners.—Said commissioners shall make a report of their award of damages and assessments for benefits, and in case the benefits accruing to the property from such change of grade are not as great as the damages so awarded, they shall so indicate in their report, stating the amount of such excess of damages.

Action of council on report.

SEC. 248. Action of council on report.—Said report shall be filed and presented to the city council upon like notice, and the city council shall act thereon in like manner as herein prescribed in condemnation proceedings.

Right of appeal.

SEC. 249. Right of appeal.—Any person aggrieved by such report shall have the same right of appeal upon the filing of objections in the manner prescribed herein in condemnation proceedings, and the proceedings on said appeal shall be the same as are herein prescribed in condemnation proceedings.

Council may abandon proposed change of grade.

SEC. 250. Abandonment.—In case the city council shall not have commenced the work of grading the street to conform to the grade changed, it shall have the right at any time during the pendency of the above proceedings, and until said proceedings are confirmed by it, and in case of any appeal from such confirmation, then within sixty (60) days after the final order of the court upon such appeal, to abandon such proposed change of grade by a resolution passed to that effect, and thereupon all proceedings had shall be abandoned and annulled, and the city council shall thereupon repeal the ordinance changing such grade.

Confirmation and assessment.

SEC. 251. Confirmation and assessment.—In case said proceedings are confirmed by the city council or by the order of the court, and not abandoned as herein provided, the same shall be final and conclusive upon all parties interested, and the city council shall proceed to levy any assessment upon the several parcels described in the assessment list reported by the commissioners in accordance with the assessment as finally confirmed, and shall cause to be made, and shall adopt an assessment roll of the same, and shall pay or cause to be paid within one year from the time of the final determination of such proceedings to the owner or owners of the property damaged by such change of grade the amount awarded therefor, upon such owner furnishing an abstract of title to such property, and with the same right to require a bond, or pay the amount of the award to the clerk of the district court, for the party entitled thereto, as herein prescribed in condemnation proceedings.

DIVISION III.

COST OF IMPROVEMENTS ASSESSED IN PROPORTION TO BENEFITS.

City has authority to order improvement and assess cost.

SEC. 252. Authority to assess cost of grading, etc.—Any city existing under this act is hereby authorized to fill, grade, level, pave, repave, curb, rail, bridge, gravel, macadamize, sprinkle, plank, clean pavements upon any

street, avenue, lane, alley or highway, and to keep the same in repair; also to fill, grade, improve, protect and ornament any public park, square or ground; also to plant and protect shade or ornamental trees in its public parks and along its streets and avenues; also to construct, lay, relay and repair sidewalks, retaining walls, gutters, sewers, water mains, drains and pipes for surface water, and private drains in, over or under any street, lane, alley or highway; also to drain marshes or swamps and low grounds within the city; and the whole or any part of the expense of any such improvement may be defrayed by an assessment upon the real estate benefited thereby in proportion to such benefits without regard to cash valuation, to be determined and levied in the manner hereinafter provided; *provided*, if the system of sewerage known as "Shone Hydro-Pneumatic System" be adopted and established in and for any city, the city council, when it proposes to cause sewers to be constructed or laid for the drainage of any given portion of the city shall first determine and accurately describe by ordinance or resolution in writing the area of territory to be made tributary to an ejector station to be constructed for such district, and in each instance such territory so defined shall be known as a sewer district and shall be properly designated by number. The expense of material for and of constructing or laying all sewers and sewer pipes in each such district, the expense of material for and constructing all flush tanks, of machinery, ejectors, discharge pipes, compressed air connections, the ejector chamber and adjoining man-hole, and all other man-holes therein, and all other costs, except such portion thereof as shall be ordered paid out of the permanent improvement fund, shall be chargeable to and assessed upon the lots and parcels of land in said district benefited thereby in proportion to such benefits without regard to cash valuation.

Two or more improvements upon one order.

SEC. 253. Two or more upon one order.—Two (2) or more of said improvements, or either of any of them, upon one or more streets may be done at the same time under one order and may be included in one contract. And the city council may, when any contract is let for paving, grading, graveling or macademizing any street, lane, alley or highway within said city, include in such contract the laying of sewer pipes or water pipes to the curb, and the cost of the same may be assessed against the lots or parcels for which said sewer pipes or water pipes are laid as a part of, or in connection with the assessment of for such improvement; *provided*, if two or more improvements are included in one contract, the expense of each improvement shall be separately appor-

Expense of each to be separately assessed.

tioned and assessed upon the lots and parcels of land benefited by such improvement in proportion to such benefits, but two or more improvements may be included in one assessment proceeding.

Plans and specifications.

SEC. 254. Plans and specifications.—Prior to the passage of any resolution ordering any such improvement the city council shall call for plans and specifications of such proposed work, with an estimate of the probable expenses thereof, to be made by the city engineer of said city and presented to the city council for its approval, and the same shall immediately and upon approval thereof by the city council be filed with the city engineer of said city for the inspection of all parties interested.

Advertising for bids.

SEC. 255. Notice of proposed improvement and invitation for proposals.—The city council shall then designate a time not less than twelve days distant, and a place at which it will meet and act in relation to the doing of the proposed work, and direct that a notice be given to the city clerk of such meeting and the time and place thereof, and that in the meantime sealed proposals for the doing of such work and the furnishing of all materials therefor will be received by the city clerk. In such notice shall be stated the location of the proposed work and reference shall be made to the plans and specifications and estimates so filed with the city engineer. Said notice shall be given by two publications thereof in the official paper of said city, the last of which publication shall be at least one week prior to the time designated as aforesaid by the city council.

Ordering of improvement and awarding contract.

SEC. 256. Ordering of improvement and award of contract.—At the time and place designated in such notice opportunity shall be given to any and all parties interested to be heard for or against such proposed work, and the clerk shall, in presence of the city council, open and read all sealed proposals which may have been received for doing such work and furnishing the material therefor, and the city council may then or thereafter by a two-thirds (⅔) vote of all its members, accept the most favorable proposal (such proposal to be that of the lowest responsible bidder) and by resolution authorize the doing of said work or any part thereof, and may direct that a written contract be made therefor with the person whose proposals shall have been accepted; or they may reject all proposals offered and refuse to authorize the doing of such work or any particular part thereof, or may readvertise for bids therefor; or, if it is deemed by said council to be for the best interests of the city, and the city engineer's estimate is less than the lowest bid aforesaid for work and material, that they may reject all proposals offered, and

by resolution passed by a two-thirds (⅔) vote of the council authorize the doing of said work under the direction of the city engineer, or said council, in its discretion, from lack of quorum, or for other reason, postpone the consideration and decision of the whole matter, or any branch thereof, to a future time, of which postponement all parties interested shall be required and deemed to take notice. At the time of the award of any such contract the city council shall appropriate from the proper fund, to the credit of such contract, a sufficient amount to defray the cost of such work. The city engineer shall allow to the contractor, on the first day of each month, an estimate of the amount already earned, which estimate shall be due and payable on the tenth day of the month succeeding the month for which the estimate is allowed.

Apportionment of costs.

SEC. 257. Apportionment of costs.—At the time of the passage of the resolution for the doing of such work the city council may determine what proportion of the entire cost of such improvement shall be defrayed by an assessment upon the property benefited, and what proportion, if any, shall be paid from the permanent improvement fund of said city, the amount of the bid accepted by the council to be taken as the entire cost; and in case no bid is accepted, and in case the city council has authorized the doing of such work under the direction of the city engineer, without contract, then the city engineer's estimate shall be taken as the entire cost of such work for the purpose of assessment.

Commissioners to assess benefits.

SEC. 258. Commissioners to assess benefits.—The city council shall then, or thereafter, appoint commissioners in like manner and with the same qualifications as prescribed in this act for commissioners in condemnation proceedings, to view the property benefited by such proposed improvement, and to assess the cost of such proposed improvement (unless said council shall have determined that a portion only of the expense of such improvement shall be defrayed by assessments for benefits, and in such case they shall assess such portion) upon the property benefited by such improvement in proportion to the benefits actually received and without regard to cash valuation; *provided*, that in no case shall said commissioners assess upon any lot or parcel of land any greater amount than the amount of the benefit to such lot or parcel.

Proceedings of commissioners

SEC. 259. Proceedings of commissioners.—Said commissioners shall meet, give like notice, hear interested parties and proceed in like manner and make like report of their assessments for benefits to the city council, and the city council shall act thereon in like manner, and the

proceedings shall be subject, as far as may be, to the provisions herein made for proceedings in condemnation, including the right of appeal from the confirmation thereof by the city council.

Confirmation final—levy of assessment.

SEC. 260. Levy of assessment.—Whenever the city council shall confirm any such assessment, such confirmation shall make the same final and conclusive upon all parties interested, who have not appealed therefrom, and the city council shall proceed at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment last reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same.

DIVISION IV.

Collection of assessment.

SEC. 261. Collection of assessments.—When any special assessment shall have been confirmed and adopted it shall be the duty of the clerk to issue a warrant for the collection thereof, which shall be under the seal of said city and signed by the mayor and such clerk of said city, and shall contain a printed or written copy of the assessment roll as confirmed and adopted as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case.

Assessment warrants.

SEC. 262. Assessment warrants.—In all cities having a city controller the city clerk shall deliver all warrants for collection of special assessments when issued to the city controller, taking his receipt therefor.

Notice by controller or clerk.

SEC. 263. Notice by controller or clerk.—Upon the receipt of any warrant for the collection of any special assessment the city controller shall, or in cities where there is no city controller, upon the issue of the warrant the city clerk shall forthwith give notice by one publication in the official paper of the city that such warrant has been duly issued for the collection of the taxes shown therein, briefly describing its nature and requesting all persons interested to make immediate payment at the office of the city treasurer, and that in default of payment thereof within sixty days after publication of such notice, a five per cent penalty will be added thereto, and the same will be collected at the cost and expense of the person liable for the payment of such assessment. Upon application the city controller, or the city clerk where there is no controller, shall issue a statement of the amount of such special assessment against any lot or parcel of land, and the city treasurer shall, on or before the time above specified for the adding of a penalty, receive payment of the amount shown in

such statement, and after said time and until the first Monday of October of that year shall receive payment of the amount shown in such statement, with five per cent added thereto, and give a receipt therefor, and shall keep a correct account of the same, and at the end of each business day shall report to the controller, or if there is no controller, to the city clerk, all assessments paid during the day, and the controller or clerk shall thereupon mark said assessments "paid."

Lien of assessment.

SEC. 264. Lien of assessment.—All assessments levied under the provisions of this act shall be a paramount lien on the real estate on which the same are imposed from the date the warrant issued for the collection thereof is received by the city treasurer for collection.

Five per cent penalty.

SEC. 265. If the assessment charged in any special assessment warrant made for any improvement whatsoever, under the provisions of this act, shall not be paid prior to the time when a penalty will be added as specified in the notice of the city controller or clerk, a penalty of five per cent shall be added to and collected with such assessment and each and every item thereof remaining unpaid at such date.

Return by controller or clerk to auditor of unpaid assessments.

SEC. 266. Return by controller.—Within five days after the first Monday of October of each year the city controller, or if there is no controller, the city clerk, shall transmit to the county auditor of the county in which the property so assessed is situated, a list, duly certified by him, of all unpaid assessments included in any special assessment warrants upon which the notice hereinbefore provided to be given by the city controller shall have been published prior to the first of August of that year, with the penalty hereinbefore provided added thereto. Upon receipt of such list the said county auditor shall enter the several amounts of the said unpaid assessment on the tax list of said city for the ensuing year, and levy the same upon the several lots and parcels, as to which the same are respectively chargeable, and the same shall thereupon be collected and payment thereof enforced as other taxes on real estate are collected and enforced.

Distribution of assessments over five years.

SEC. 267. Division of assessments.—Whenever the amount of any special assessment upon any lot or parcel of land so transmitted to the county auditor shall exceed the sum of twenty-five (25) dollars the county auditor shall divide each such assessment in five equal parts, as nearly as the same can be divided, and shall, in proper books to be kept by him, extend the same in proper columns in such manner that said assessment shall extend over five (5) successive years; the first of such installments shall be entered by such auditor on

the tax list for said city for the next ensuing year, and each successive installment shall be entered upon such tax list each succeeding year thereafter, respectively; said auditor shall at the time of so extending each year's installment of said special assessment on the tax list add to the amount of each installment after the first installment, interest for one (1) year on the entire amount remaining unpaid at the rate of six per cent per annum, which said interest on the whole amounts unpaid shall be paid each year at the same time and in the same manner as the installment for that year.

Paying deferred installment.

SEC. 268. Paying deferred installments.—At any time after the first of such installments is payable to the county treasurer the whole of the remaining installments may be paid as follows: The county auditor shall, upon request of the county treasurer, deliver to such county treasurer a statement of the total amount of such assessments not theretofor delivered by him to the county treasurer for collection, and shall charge the county treasurer with the amount shown on such statement, and the county treasurer may thereupon receive payment of the assessment shown on such statement and issue receipts therefor.

County treasurer to pay over assessment to city treasurer.

SEC. 269. Assessments paid over to city treasurer.—Such assessments, when collected, shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon at the time of making payment of city taxes to the city treasurer. Said county treasurer shall submit with such payment a statement showing the accurate distribution of the amount so collected to the several funds on account of which the assessment was made. The statement shall apply to the accurate distribution of costs, penalties and interest, as well as to the amount collected, on the original assessment.

Numerals used in advertisements.

SEC. 270. Numerals used in advertisements.—In all proceedings and advertisements for the levy and collection of such assessments, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

DIVISION V.

GENERAL PROVISIONS.

Informalities not to vitiate proceedings.

SEC. 271. Informalities not to vitiate proceedings.—No error or omission which may be made in the order or in the proceedings of the city council, or of any officers of said city in referring, reporting upon, ordering or

otherwise acting concerning any local improvement provided for in this act, or in making any assessment therefor, or in levying or collecting such assessment, shall vitiate or in any way affect any such assessment, unless it shall appear that by reason of such error or omission substantial injury has been done to the party or parties claiming to be aggrieved.

Reassessment when it fails or is declared void

SEC. 272. Reassessment.—In all cases where any assessment or any part thereof as to any lot, lots or parcels of lands assessed under any of the provisions of this act, or of any law of any city prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside or declared void by any court; or in case the city council shall have failed to make any assessment before the doing or ordering of any work, the expense of which could, under the provisions hereof, have been assessed on property, the city council shall, without unnecessary delay, cause a reassessment or new assessment to defray the expense of such improvement to be made, whether such improvement was made under this act or any law of any city prior to this act, and such reassessment or new assessment shall be made as nearly as may be as herein provided for making the assessment therefor in the first instance; and when the same shall have been made and confirmed by the city council it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act. And in all cases where judgments shall hereafter be refused or denied by any court, for collection or enforcement of any special assessment, or where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed from time to time until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvement as near as may be.

New assessment warrants.

SEC. 272½. New assessment warrants.—In all cases where the collection of any special assessment cannot be enforced by reason of irregularity or omission in any proceeding subsequent to the confirmation of such assessment, the clerk and mayor of said city are hereby authorized and empowered to issue a new warrant to the treasurer for the collection of any assessment which by reason of such irregularity or omisson remains unpaid or not collected. The treasurer shall proceed under such new warrants to enforce and collect the assessments herein specified in the same manner, as near as may be, as is prescribed by the provisions of this act for the enforcement and collection of special assessments

after the same shall have been confirmed as in this act provided. And as often as any failure shall occur, by reason of such irregularities or omissions, a new warrant may issue and new proceedings be had in like manner, until such special assessments shall be fully collected as to each and every tract or parcel of land charged therewith. And in case any such assessment shall be adjudged and deemed irregular and the collection thereof cannot be enforced after the same shall have been delivered to the county auditor for collection under the provisions of this act, the city council, at the time or prior to the making of such reassessments or the issuance of such new warrants, may, by resolution, direct such county auditor to cancel such special assessment on any record where the same appears, and in any case of the cancellation of any such special assessment, the auditor shall make the necessary credit of the amounts of special assessments so canceled on the proper books and to the proper officers.

Entries to be made by auditor when assessment void.

SEC. 273. Reletting of unfinished contract.—In all cases where the work for any improvement contemplated by the provisions of this act shall be suspended before final completion, by failure of the contractor to perform the same, or for any other cause, the city council may relet the unfinished portion of such work in the same manner, as nearly as may be, as provided in this act for letting of contracts for public improvements, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

Reletting of unfinished contract.

SEC. 274. New assessments.—If for any cause the proceedings of the city council or any officer may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assessment from time to time as often as need be, until a sufficient sum is realized from the real estate abutting on the street in which such improvement has been or is to be made, to pay the costs, damages and expenses incurred thereby, it being the true intent and meaning of this act to make the cost and expense of all local improvements provided for in this act in such city payable by such abutting real estate, except as in this act otherwise provided.

New and additional assessments.

SEC. 275. Form of assessment roll.—Any assessment roll adopted by the city council in accordance with any of the provisions of this act may be substantially in the following form:

Form of assessment roll.

The city council of the city of.....
do hereby assess and levy upon and against the several lots and parcels of land hereinafter described, the respec-

tive sums of money set opposite each lot or parcel. The assessment is levied to defray the expense of..... in the city of.....along..... and said lots and parcels of land are assessed upon the basis.....

Name of Owner, if Known.	Description of Land.	Lot.	Bl'k.	Amount. Dolls.	Cts.

Done at a meeting of the city council, this..... day of.....A. D.....

.....

President of the Council.

Attest:

.....

City Clerk.

Letting of contracts after levy.

SEC. 276. Letting of contracts.—The city council may order any improvement and make and levy an assessment therefor and collect the same under and in accordance with the provisions of this act, prior to and without letting a contract for the doing of such work, and the contract for the doing of such work shall be let, or the city council shall direct the doing of such work under the direction of the city engineer without contract within six (6) months after such assessment, in accordance with the provisions of this act.

SEC. 277. Abandonment of improvements.—The city council may, by a two-thirds (⅔) vote of its members, at any time prior to the execution of a contract therefor, or the beginning of the work under the direction of the city engineer without contract, abandon any improvement ordered by the city council under the provisions of this act, and shall thereupon annul and cancel the special assessment made hereunder to defray the expenses of such improvement, and if any portion of such assessment has been paid it shall be refunded to the person or persons paying the same.

Moneys derived before improvement, how held and applied.

SEC. 278. Moneys derived from assessments.—how held and applied.—In case any assessment for improvement is collected before the making of such improvement the money so collected shall be kept separate from

the funds of the city, and not devoted to any other purpose than such improvement.

Variance in amount of assessment not to invalidate.

SEC. 279. Variance in amount of assessment not to invalidate.—No special assessment shall be questioned or held to be invalid because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount derived by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the permanent improvement fund; and if there shall be any surplus from any such special assessment the same shall be carried to the credit of the same fund from which a deficiency would have been supplied, or be otherwise disposed of, as to the city council shall seem most just towards the persons upon whom such special assessment has been levied; *provided*, that when the total cost of any improvement for which special assessments have been made and levied shall be less than ninety (90) per centum of the total special assessments assessed, levied and collected for the same, said city council shall refund, out of the permanent improvement fund, to the person or persons who have paid the same their proportionate share of the excess of such total special assessments so collected over the total cost of such improvements.

Property owners to construct and repair sidewalks.

SEC. 280. Property owners to construct and repair sidewalk.—It is hereby made the duty of all owners of land adjoining any street, lane or alley in the city to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or as shall hereafter be constructed, or directed by the city council to be built, and the same shall be constructed of such material and width, and upon such plan and grade as the city council may by ordinance or otherwise prescribe.

Sidewalk—how ordered.

SEC. 281. Sidewalk—how ordered.—Whenever the city council shall deem it necessary that any sidewalk in the city shall be constructed or reconstructed, it shall, by resolution, direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. Personal notice or the publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built, to construct the same, and unless such owners shall each along his respective land construct and fully complete such sidewalk within two weeks after the publication

of such resolution, as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front, in accordance with the provisions herein made. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground upon which it is to be built to be properly graded.

Repair of sidewalks and assessment of costs.

SEC. 282. Repair of sidewalks and assessments of costs.—If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair it shall be the duty of the proper officer to immediately repair the same in a good, substantial and thorough manner and report to the city council the costs of such repairs in each case, and a description of the lot or parcel of land abutting upon the sidewalk on which such repairs are made, and such report shall be carefully filed and preserved by the city clerk; and the city council shall once in each year at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by such officers, the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll, and certified to the county auditor and be collected as provided for in this act in case of assessments transmitted to the county auditor. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt and there are no funds to defray the expense of such rebuilding, it shall be the duty of the proper officer to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed, and collected with the assessment of such reconstruction.

Defective sidewalk may be removed.

Credit of former assessment paid.

SEC. 283. Credit on former assessment paid.—In case any assessment levied to defray the expense of any improvement herein provided for shall be annulled after any portion of such assessment has been paid, if reassessment is made under the provisions hereof to defray the expense of such improvement, the city clerk shall note on the warrant drawn by him for the collection of such reassessment or new assessment against any piece of land upon which such former assessment for the same improvement has been paid, the words "Paid on former assessment $....," which shall cancel such assessment on that parcel to the amount as paid.

Refunding of assessments on abandonment of improvement.

SEC. 284. Refunding of assessment on abandonment of improvement.—When any improvement for which a special assessment has been levied is abandoned, if any portion of such assessment has been paid, upon the annulling of such special assessment it shall be the duty of the city controller to notify the persons having paid such assessment that the same has been annulled and that the amount paid by them will be refunded; and the city treasurer shall, upon said parties identifying themselves as being the persons entitled to have such assessment refunded, pay to such persons the amount of such assessments so paid by them. Said city controller shall also notify the county treasurer of the anullment of such assessment; and upon receipt of such notice the county treasurer shall forthwith credit the amount of such special assessment so annulled to the lots and parcels of land against which said assessment was made, provided the same has not already been paid.

Certificate of city controller on deeds.

SEC. 285. Certificate of city controller on deeds.—No register of deeds shall record any deeds conveying any lands within the limits of any city unless there is endorsed on such deed a certificate of the city controller of such city that all assessments in his office for collection for local improvements on said land have been paid, and any violation of this provision by any register of deeds shall be a misdemeanor, and be punished by a fine of not exceeding double the amount of the unpaid assessment. It shall be the duty of the city controller, upon the application of any person interested in such deeds where the assessment has been paid, and not otherwise, to make such certificate free of charge.

Omission of assessment on corner lots.

SEC. 286. Omission of assessment on corner lots.—The city council shall in case of any corner lot, when one frontage of such lot has been fully assessed for laying any water main or sewer, in case a like improvement is to be made along the street on the other frontage of such lot, omit the assessment on such lot to an extent not exceeding a frontage of sixty (60) feet of any such lot.

Assessments prior to the adoption of this act not affected by it.

SEC. 287. Prior assessments not affected by this act.—Nothing in this act contained shall affect any assessment made by any city prior to this act becoming operative in such city, and all such special assessments and the deferred installment thereof, if any, shall be collected under and in accordance with the provisions of law in force at the time of the levying of such assessment.

Completion of assessment proceedings after adoption of this act.

SEC. 288. Completion pending assessment proceedings.—Any proceedings instituted for the condemnation of land or other property, or for the assessing of benefits by commissioners for any improvement begun in any city prior to the time of this act becoming operative in such city shall be carried on and fully completed under and in accordance with the provisions of the law then in force in such city at the time such proceedings were instituted, except that upon the adoption of any assessment roll for special assessments in any such proceedings after this act shall have gone into force in such city, proceedings for the collection of the assessments therein levied shall be as herein provided for the collection of such assessments.

CHAPTER XVI.

WATERWORKS.

Waterworks—superintendent duties, &c.

SEC. 289. Superintendent.—The city council of any city maintaining waterworks shall, at the time of its organization as herein provided, appoint a superintendent of waterworks. The superintendent of waterworks shall have charge of the operation and repair of all pumps, pumping station and appurtenances, intakes, water mains, pipes and hydrants, and of the putting in and maintaining of all constructions connected with the waterworks of such city, subject to such rules and regulations as the city council may ordain. He shall appoint, by and with the consent of the city council, all engineers and assistants required in the operation of the waterworks of the city, and shall hire and discharge from time to time such subordinate employes as may be provided for by the city council; *provided*, however, that the city engineer shall perform all the civil, mechanical and hydraulic engineering work of said department. The superintendent shall inspect all water connections, hydrants and faucets through which water is consumed, and examine all water meters and gauges; and shall shut off water from any premises whenever the rent or other dues therefor are delinquent.

To keep accounts—clerks.

SEC. 290. Accounts.—He shall also keep all records and accounts pertaining to the waterworks, and shall receive and receipt for all water rents and moneys accruing to the department, and shall appoint by and with the consent of the city council such collectors and clerical employes of the department as may be necessary, and shall deposit all funds as collected, weekly, with the city treasurer, and report the same to the city council,

monthly, *provided*, that the city council of any city may in its discretion, confer the offices of the city engineer, and superintendent of waterworks upon one and the same person.

City engineer may be superintendent.

SEC. 291. The owner of private property, which property has upon it pipes connected with the city waterworks to convey water thereto, shall, as well as the lessee of the premises, be liable to the city for the rents or rates of all water from said waterworks used upon said premises, which may be recovered in an action against such owner, lessee or occupant, or against any or all of them. The city council may provide for the punishment of all injuries to and interference with said waterworks or anything connected with them, and it shall be a misdemeanor, punishable as such, for any person without authority from the city to wilfully break, remove or in any way injure or damage any main, branch, waterpipes, intake pipes, aqueduct, dam, bulkhead, gate, gatehouse, conduit or vent, box or box cover, main pipe or cover of hydrant, or any part of the machinery or property of the waterworks of said city; or to open without authority from the city any water gate or to perforate or bore or cause to be perforated or bored, any main or pipe, or to make connection with any such main or pipe without proper permit therefor. And the city council may provide by ordinance for the conviction of and punishment for any such offense.

Owner—lessee—occupant, all liable for water rent.

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Punishment for injuring pipes, &c.

SEC. 292. City council to prescribe rules.—The city council shall, by ordinance, establish such rules and regulations as it may deem necessary for the management of the waterworks of the city and the supplying of water for the use of the inhabitants thereof. And may make all necessary rules and regulations concerning the tapping of any mains or branches, or making connections therewith by any private parties or licensed plumbers, and such council may also provide for the shutting off of water from any premises where rates are payable and remain unpaid.

City council to prescribe rules.

SEC. 293. In any city in this state having and operating its own light works the provisions of this chapter shall apply thereto, in so far as the same can be made applicable, and said light works can, if the city council shall so determine, be managed and operated under the same officers and as a part of the same department as the waterworks.

Provisions of this chapter applicable to light works.

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CHAPTER XVII.

CORRECTIONS, HOSPITALS AND CHARITIES.

Superintendent of workhouse.

SEC. 294. Superintendent of workhouse.—The mayor shall, in any city maintaining a workhouse, appoint a superintendent of the workhouse, who shall have the management and control of the workhouse, subject to such rules and regulations for the management thereof as the city council may ordain. He shall have the custody of all persons confined therein, and shall receive and confine all persons sentenced thereto, and shall appoint all officers, subordinates and employes required in the management of such workhouse, and may discharge the same.

Place of detention for women or children.

SEC. 295. Place of detention for women or children.—The city council may provide for the management and control of any place of detention for women or children maintained by the city, and prescribe all necessary rules and regulations therefor, and the mayor shall appoint such officers to manage the same as may seem necessary.

Superintendent of poor.

SEC. 296. Superintendent of poor.—The city council may appoint at the time of its organization a superintendent of the poor. The superintendent of the poor shall, subject to the approval of the city council, appoint such subordinate employes as the city council may deem necessary. The superintendent of the poor shall investigate all applications for assistance and relief of every nature, and attend to the distribution of all fuel, food and other supplies to the poor, under such rules and regulations as the city council may ordain. He shall have the management and control of all poorhouses and charitable institutions established or maintained by the city, under the direction of the city council. And he may, by direction of the city council, establish and maintain an employment bureau for the use and benefit of the inhabitants of said city seeking employment; *provided*, that this section shall not apply to cities where hospitals, almshouses and other public charities are supported by the city and county in common, and where the care and control of such institutions and charities are under a board of control.

City Physician.

SEC. 297. City physician.—The city council shall, at the time of its organization, appoint a city physician, who shall be a regularly licensed physician and surgeon of good standing in his profession. The city physician shall appoint such assistant physicians as the city council may determine, and he shall appoint and may discharge such matrons, nurses and other subordinate employes as may be provided for by the city council.

He shall have the management and control, subject to such rules and regulations as the city council may ordain, of all hospitals maintained by the city except the quarantine or pest hospital, and shall act as physician and surgeon of all departments of the city, and attend upon and care for all sick and afflicted among the poor of the city, as directed by the superintendent of the poor; *provided*, that this section shall not apply to cities where the office of city and county physicians are united in one person.

CHAPTER XVIII.

DEPARTMENT OF HEALTH.

Department of health—how constituted.

SEC. 298. How constituted.—The department of health shall consist of a commissioner of health, who shall be a physician regularly licensed to practice as such, and shall be the executive officer of the department, and of such number of assistants, inspectors, quarantine officers and subordinate employes as may be determined by the city council; and of a board of health, which shall be composed of the commissioner of health and three (3) members of the city council to be appointed by the city council.

Health commissioner—appointment—salary.

SEC. 299. Health commissioner—Appointment and salary.—The commissioner of health shall be appointed by the mayor and he shall hold his office during the pleasure of the mayor. The salaries of the commissioner of health and his assistants shall be fixed by the city council.

Bonds.

SEC. 300. Bonds.—The health commissioner, before entering upon the duties of his office, shall execute a bond to the city in such sum, and with such sureties and upon such conditions as the city council may determine; such bond to be approved by the city council.

Duties of health commissioner.

SEC. 301. Duties of health commissioner.—The commissioner of health shall enforce the laws of the state and ordinances and regulations of the city relative to the public health, and shall abate all nuisances injurious thereto, and prevent or exterminate contagious or infectious diseases among animals; control all quarantines, hospitals and morgues maintained by or located in the city; and all cemeteries, crematories, vaults and burial places maintained or regulated by the city, and inspect all such food products exposed for sale in the city as may be required by law or ordinance, and shall grant all burial permits, and regulate the disposition of all dead bodies.

Subordinates.

SEC. 302. Subordinates.—The health commissioner shall appoint all assistants, quarantine officers and subordinate employes of the health department; and the health commissioner and all members, inspectors and officers shall have power of police in and about the performance of their official duties relative to the public health, and the health commissioner shall have power to remove any and all assistants, inspectors or subordinate employes, appointed by him, at any time.

Powers of board of health

SEC. 303. Powers of the board of health.—The board of health shall have such powers and perform such functions and duties as are prescribed by law for local boards of health, and such further duties as may be prescribed by law or ordinance.

Reports of births and deaths.

Sec. 304. Reports.—Reports of all births, deaths and of all cases of contagious and infectious diseases in the city shall be reported by the physician or other person in attendance thereon to the commissioner of health, and he shall keep a record of such reports, and no human body shall be buried or deposited in any cemetery or vault in said city, or be removed therefrom or from said city, or otherwise disposed of, without the permit of the commissioner of health.

Commissioner to advise mayor of sanitary condition.

SEC. 305. The commissioner of health shall give to the mayor, or other city authorities, all such professional advice and information as they may require, with a view to the preservation of the public health, and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, he shall investigate the same and adopt measures to arrest its progress.

Commissioner to enforce sanitary regulations.

SEC. 306. It shall be the duty of the commissioner of health to enforce all laws of the state and ordinances of the city relating to the sanitary regulations of the city, and cause all nuisances to be abated with all reasonable promptness. And for the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to a thorough examination of cellars, vaults, sinks or drains; and to cause all privies to be cleaned and kept in good condition, and to cause all dead animals or other nauseous or unwholesome things or substances to be burned or removed or disposed of, as the commissioner of health may direct.

Commissioner to notify occupant to abate nuisance.

SEC. 307. In order to the carrying out of the provisions of the foregoing section, it shall be the duty of the commissioner of health to serve a notice in writing upon the owner, occupant or agent of any lot, building

or premises in or upon which any nuisance may be found, or who may be the owner or cause of any such nuisance, requiring them to abate the same in such manner as he may prescribe within reasonable time; *provided*, that it shall not be necessary in any case for the commissioner to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable to do so; and such notice may be given or served by any officer who may be directed or deputied to give or make the same; and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such order within the time specified, they shall be subject to a penalty hereinafter provided, and it shall be the duty of the said officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated; and *provided further*, that whenever the owner, occupant or agent of the premises in or upon which any nuisance may be found is unknown or cannot be found, the said commissioner shall proceed to abate the same without notice, and in either case the expense of such abatement shall be collected from the person or persons who may have created, continued and suffered such nuisance to exist.

Expense of abating nuisance—how recovered.

SEC. 308. Any expense incurred by the health department in enforcing the provisions of the above sections shall be recovered in an action of debt, to be brought in the name of the city against the party offending.

Commissioner to visit sick.

SEC. 309. It shall be the further duty of the commissioner of health to visit and examine or cause to have visited and examined all sick persons who shall be reported to him as laboring or supposed to be laboring under any yellow or ship fever, smallpox, cholera, or any infectious or pestilential disease, and cause all such infected persons to be removed to the cholera, smallpox or other hospitals, or to such other safe and proper place as he may think proper, not exceeding three miles from said city, and cause them to be provided with suitable nurses and medical attendance, at their own expense, if they are able to pay for the same, but if not, then at the expense of the city.

Contagious diseases—posting notices.

SEC. 310. It shall be the further duty of the commissioner of health to cause a notice, printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with smallpox, scarlet fever, or any infectious, pestilential or epidemic disease, upon which shall be written or printed the name of such disease, and if any person or persons shall deface, alter, mutilate, destroy or tear down such notice, without the permission of the commissioner of health, or of the health officer, such person or persons

shall be subject to the penalty hereinafter provided, the occupant of any house upon which such notice shall be placed or posted as aforesaid shall be held responsible for the removal of the same, and if the same shall be removed without the permission of the health commissioner, such occupant shall be subject to the penalty hereinafter provided.

Commissioner to have charge of small pox hospital.

SEC. 311. The commissioner of health shall have charge of the smallpox hospital, and shall have power to employ such assistants and nurses as he may deem necessary; and it shall be his duty to see that said hospital is supplied with suitable furniture, nourishment, fuel and medicines, and that persons dying therein or in any other places under the charge of the city are decently and promptly buried at the expense of the city, provided such deceased persons have not the means to defray their own expenses of sickness or burial.

Pestilence—epidemic—duty of commissioner.

SEC. 312. In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such character as to warrant it, it shall be the duty of the said commissioner of health to take such measures and to do and order, and cause to be done, for the preservation of the public health (though not herein, or elsewhere, or otherwise authorized), as he may in good faith declare the public safety and health to demand.

Vaccination—preventing spread of disease.

SEC. 313. The commissioner of health may take such measures as he may from time to time deem necessary to prevent the spread of the smallpox, by issuing an order requiring all persons in the city or any part thereof requiring vaccination to be vaccinated within such time as he shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to the penalty hereinafter provided; *provided*, that it shall be the duty of the commissioner to provide for the vaccination of such persons, as are unable to pay for the same, at the expense of the city.

Disinfection.

SEC. 314. He shall have the power to cause any house or premises to be cleansed, disinfected or closed to visitors and prevent persons from resorting thereto while any person is laboring under any pestilential or infectious disease; he may by an order in writing direct any nuisance to be abated, or unwholesome matter or substance, dirt or filth to be removed from any house or premises, and may prescribe the time and mode of doing so, and take any other measures he may deem necessary and proper to prevent the spread of any infectious, pestilential or epidemic diseases; and any person who shall neglect or refuse to obey the orders,

directions and instructions of said commissioner of health shall be subject to a penalty hereinafter provided.

Proclamation—quarantine.

SEC. 315. Said commissioner, whenever and at such times as by him it shall be deemed necessary, may, by proclamation (the approval of the city council being first had and obtained), require all boats, vessels, railroad cars or other public conveyances bound for the city, before the same shall land or stop at any wharf, depot or landing or stopping place therein, to touch or stop at any or either of the sites, places or boundaries so selected and established for quarantine purposes, and leave all such emigrants, travelers or persons, with their stores and baggage as in the opinion of the officers stationed at such quarantine sites, places or boundaries shall be deemed proper on account of the existence or general report of cholera, ship fever or any contagious disease, or disease apprehended to endanger the health of the city.

Same.

SEC. 316. Whenever it shall be deemed necessary to issue such proclamation, it shall be the duty of the said commissioner to send the same, together with the substance of the regulations for quarantine and the period for which the same shall be in force, unless sooner revoked, to Chicago, Milwaukee, Dubuque, Sioux City and Fargo, the cities of the state, and such other cities and places as by him may be deemed proper.

Same.

SEC. 317. He shall also cause to be stationed at such quarantine sites, places and boundaries as he may deem advisable, one (1) or more physicians or health officers, whose duty it shall be to go on board and examine all boats, vessels, cars or other public conveyances so as aforesaid required to touch or stop at said quarantine, respectively, and then and there determine what emigrants, passengers or persons (if any) shall stop at such quarantine; and it shall be the duty of all persons conducting or in charge of any such vessel, boat, car or public conveyance to aid and assist any such physician or health officer in the exercise of his duties.

Commissioner to attend sick in quarantine.

SEC. 318. Said commissioner or health officer shall attend to all sick persons who may be landed or placed in quarantine, and provide medicines and necessaries for their use, and shall have general supervision of such quarantines and compel persons therein to purify their bodies, clothes and baggage, and do all such acts and things as shall be proper in the premises, keeping correct accounts of all expenditures and wages which shall be allowed and paid by order of the said commissioner.

May raise quarantine.

SEC. 319. Whenever the physician or officer in charge of any quarantine, station or place as aforesaid shall,

upon examination, be satisfied that there is no longer occasion for the detention of any boat, vessel, car or conveyance at such quarantine or place, and such boat, vessel, car or conveyance shall have been thoroughly cleansed, and such persons as aforesaid landed and placed in the care of such physician or officer, such physician or officer shall give such vessel, boat, car or conveyance a permit signed by him to enter the city, which shall be ample authority for the entry of said boat, vessel, car or conveyance, and the said officers, respectively, shall discharge all persons in quarantine by their certificate for that purpose whenever they are satisfied that such persons are free of disease and baggage and effects properly purified; *provided*, however, that the commissioner, in his discretion, by proclamation for that purpose, may, during the prevalence of cholera, ship fever or other contagious or fatal diseases, forbid the emission of emigrants or others peculiarly liable thereto, in any or all of said quarantines or stations, until, in his opinion, the health of the city will justify the same.

May prevent emission from quarantine.

May invoke aid of police.

SEC. 320. It shall be the duty of the said commissioner, whenever by him it shall be deemed necessary, to keep at the quarantine station or stations a sufficient police force, whose duty it shall be to enforce all regulations by this chapter required, or by said commissioner to be established, and to arrest all persons violating said regulations or committing any breaches of the peace, and bring such person before any court having jurisdiction, for trial, and to arrest and hold for trial all persons disobeying or interfering with or resisting any physician, health officer or other persons in authority at such quarantine site, place or station.

Power to enforce quarantine.

SEC. 321. In case any boat, vessel, car or public conveyance shall leave any quarantine station, place or boundary without a permit, as aforesaid, or shall fail to stop at the same, when so, as aforesaid, required by the issuing of such proclamation, or whenever the person in charge thereof, or any person under his command, shall fail or refuse to obey any regulation or command of the said commissioner of health, physician or person in charge of any quarantine station or place, or of any provision or requirement of this chapter, the said commissioner shall have the power, and it is hereby made his duty, if in his opinion the health of the city requires it, to send sufficient police force to such boat, vessel, car or public conveyance, and cause the same, with the crew and passengers on board, to be landed or stopped or conveyed to the quarantine station or place, and there to remain until properly discharged by the permit

aforesaid; and the owner, master or person in charge of any such boat, vessel, car or public conveyance shall be liable to the city for all expenses and costs incurred by reason thereof. If any emigrant, traveler or person so placed in quarantine, as aforesaid, shall leave the same without permission, as aforesaid, he may be arrested and taken back to said quarantine and there retained until such permission shall be given.

May arrest for violation.

SEC. 322. The said commissioner shall make such rules and regulations for the government of the quarantine or health of the city as, from time to time, he shall deem necessary; and the physicians or health officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper conducting and management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen or others employed by the city in and about said quarantine stations or places to carry out and obey the same.

May make rules and regulations.

SEC. 323. The said commissioner may appoint one or more competent physicians as quarantine physicians, who shall be present at such quarantine stations as the said commissioner of health shall designate, and attend to all the duties imposed by this chapter or by the regulations of said commissioner; and who shall receive, each, for actual services rendered, and for such time as such services shall be actually required, not more than five (5) dollars per day, to be allowed by said commissioner; also the said commissioner may employ such agents, servants, nurses or temporary medical assistants for the purpose of carrying into effect the objects and intent of this chapter or of any regulation as in his judgment shall, from time to time, be necessary, or authorize the employment thereof by the physicians or health officers in charge of any quarantine or station.

May employ physicians, nurses, &c.—compensation.

SEC. 324. All the salaries, wages and expenses in this chapter contemplated are to be audited and allowed by the said commissioner; *provided*, that when practicable the persons taken in such quarantine or stations and receiving the aid and care afforded thereby, shall each pay a sum of money sufficient to meet all expenses, labor and care incurred in his behalf, which said money shall be faithfully kept, reported and accounted for by the physician, health officer or other person in charge of said quarantine or station, to the said commissioner.

Commissioner to audit.

Quarantined persons to pay.

SEC. 325. No person, master, captain or conductor in charge of any boat, vessel, railroad car, public or private conveyance shall knowingly bring into the city any person or persons diseased of cholera, smallpox, ship fever, contagious or infectious disease whatsoever; and

Prohibitions.

no vessel, boat, railroad car, public or private conveyance, at any time covered by the said proclamation, shall pass by any quarantine station or place without stopping, nor shall leave the same without the permit aforesaid; and no person stopping in said quarantine, or so as aforesaid received therein, shall leave the same without first obtaining permission as aforesaid; nor shall any person aid or abet any master, conductor or person in charge of any boat, vessel, railroad car or public conveyance in violating, neglecting or evading any provisions or requirements of this chapter; nor shall any person interfere with, resist, neglect or refuse to obey the orders of any physician, health officer, policeman or other person in authority at any quarantine station or place of quarantine so as aforesaid established; nor to do any act or thing in violation of or in disobedience to any of the provisions, clauses or sections of this chapter; nor shall commit any breach of the peace, nor do any act calculated in any way to defeat or interfere with the provisions or requirements of this chapter or of any regulation of the said commissioner, physician or officer in charge of any quarantine.

Commissioner to make tours of inspection.

SEC. 326. It shall be the duty of the commissioner of health to make a circuit of observation once in every month to every part of the city and its environs, which, from the location, or from any collateral circumstances, may be deemed the cause of disease, and in all cases where he may discover the existence of any agent, the presence of which will prove dangerous to the health of the city, and there is no ordinance competent to the correction of the evil, he shall immediately report the same to the city council, accompanied with his opinion of the necessity of extraordinary or particular action.

Commissioner to provide hospital accommodations

SEC. 327. The commissioner of health, by and with the approval of the city council, may select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes, and, with the approval of said council, may erect, from time to time, such buildings and hospitals upon such sites and places, and so keep the same in repair as in his judgment may be deemed necessary.

To provide record books for births and deaths and other statistics

SEC. 328. It shall be the duty of the commissioner of health to provide the necessary books for keeping a record of all transactions of said department, including the proper registration of births and deaths and such other statistical information necessary for efficient working of said department; and shall also keep on hand all necessary blanks, to be used by physicians and midwives, and furnish them with the same on application.

Shall vaccinate

SEC. 329. Said commissioner of health shall always have on hand, as far as practicable, a sufficient quantity of vaccine virus, and he shall vaccinate and revaccinate, without charge, all persons who may apply to him for that purpose; and shall give certificates of vaccination to children who have been vaccinated, and require such certificates to admission to the public schools.

Penalty for violation of health regulations.

SEC. 330. Any master of a vessel, conductor, captain or any person whosoever who shall violate any clause, provision, requirement, duty or regulation of this act, or any rule or regulation of the said commissioner of health, or physician, or health officer in the discharge of his duty, or in charge of any quarantine, or any person whosoever who shall fail or neglect to comply with any such clause, provision, requirement, duty or orders, or who shall interfere with or in any manner resist any officer or agent of the department of health of the city in the discharge of his duty as herein contemplated, or who shall commit any such breach of peace, or be guilty of any act or thing calculated to defeat or interfere with the carrying into effect any part of this act, or any regulation or order of the said commissioner of health, shall, upon conviction, be subject to a fine not to exceed one hundred (100) dollars nor less than ten (10) dollars for each offense, together with the costs of prosecution.

May order disinfection.

SEC. 331. Said commissioner of health may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place, sewer pipe, passage, premises, ground matter or thing in the city, or adjacent water, regarded by said commissioner as in a condition dangerous or detrimental to life or health, to be purified, cleansed, disinfected, altered or improved, and may also order any substance, matter or thing being or left in any street, alley, water excavation, building, erection, place or grounds (whether such place where the same may be, be public or private), and which said commissioner may regard dangerous or detrimental to life or health, to be speedily removed to some other place; and may designate or provide a place to which the same shall be removed when no such adequate or proper place, in the judgment of said commissioner, is already provided. The said commissioner may require the police force of the city to execute any of the orders referred to in this act, and it shall be the duty of such police force to execute the orders of the said commissioners of health.

Police to execute orders.

May enforce sanitary laws.

SEC. 332. It shall be the duty of the said commissioner of health to aid in the enforcement of, and, as far

as practicable, to enforce all the laws of this state applicable to the preservation of human life, or to the care, promotion or protection of health; and said commissioner may exercise the authority given by the laws aforesaid to enable him to discharge the duties hereby imposed; and this section is intended to include all laws relative to cleanliness and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines or food. And said commissioner is authorized to require reports and information at such times and of such facts and generally of such nature and extent relating to the safety of life and the promotion of health as its by-laws and rules may provide, from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers and principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theaters and other places of public resort or amusement in said district; and it is hereby made the duty of the officers, institutions and persons so called on, or referred, to promptly give such reports, verbally or in writing, as may be required by said commissioner.

Doctors and midwives to keep records.

SEC. 333. Every physician, midwife and other person who may professionally assist or advise at any birth shall make and keep a registry of every such birth, and therein enter the time and place, ward and street of such birth, and the sex and color of the child born, and the name and residence of each of the parents, so far as the foregoing facts can be ascertained; and every physician or professional adviser, who has attended any person at a late illness, or has been present by request at the death of any person, shall make and preserve a registry of such death, stating the cause thereof and specifying the date, hour, place and street of such death. Proper blanks of the above shall be furnished by the department of health.

They must report to health commissioner.

SEC. 334. That it shall be the duty of every person mentioned in the last section, or required to make and keep any such registry, to present to the said commissioner of health a copy of such registry, signed by such persons, or a written statement by him or her signed, of all the facts in said register required to be entered within five days after the birth, and within thirty-six hours after the death, of any person to whom such registry may or should relate.

Coroners to report to commissioner.

SEC. 335. That it shall be the duty of all coroners within three days after the taking of any inquest to file a written statement with the commissioner of health, signed by the coroner making the same, stating, so far

as he is able, where and upon the body of whom such inquest was held, and the cause and date and place of the death of such person.

Persons cognizant of contagious disease to report the same.

SEC. 336. That the department of health is authorized, and it shall be its duty, to make such rules and ordinances as to them may seem proper and necessary for the purpose of compelling all physicians practicing within the limits of the city to make report of all cases of contagious and infectious diseases upon which they may be in attendance, and all keepers of boarding or lodging houses, all inn keepers or hotel keepers, to make report of all cases of contagious and infectious diseases occurring within their respective houses, and generally to make such regulations and rules as to them may be deemed necessary for the purpose of carrying into effect the objects of this section, and of obliging reports of contagious and infectious diseases to be made to said commissioner of health by persons becoming cognizant of the same.

May make rules regulating interments and removals.

SEC. 337. And the said department of health is hereby authorized, and it shall be its duty, to make rules and ordinances regulating the interment and removal of dead bodies and their entry into, removal from and passage through the said city; and no body shall be buried within the limits of the city, removed therefrom or received therein, or passed through the city without a written permit first obtained from the said department of health, and to be issued in the manner and under the conditions by them prescribed; and the said department of health shall make all rules and regulations necessary for carrying out the objects of this act.

Jurisdiction over cemeteries and sextons.

SEC. 338. That the jurisdiction of the city shall extend to and prevail over, all public cemeteries under the control of organizations established in said city; and it shall be the duty of the department of health to make such rules and regulations as it may deem necessary regarding the interment of dead bodies within the same and prescribe the duties of all sextons and keepers of such cemeteries relative to the reception of and burial of dead bodies.

Records as evidence.

SEC. 339. Copies of the proceedings of said department, of its rules, regulations, by-laws and books and papers, constituting part of its archives, when authenticated by the commissioner of health, shall be presumptive evidence, and the authentication to be taken as presumptively correct in any court of justice, or judicial proceedings when they may be relevant to the point or matter in controversy of the facts, statements and recitals therein contained, and the action, proceed-

ings, authority and orders of the said department of health shall at all times be regarded as in their nature judicial and be treated as prima facie just and legal.

CHAPTER XIX.

MISCELLANEOUS.

Bonds of contractors.

SEC. 340. Bonds of contractors.—Before any contract whatsoever for the doing of any work or labor or furnishing any skill or material to or for any city shall be valid and binding against such city, the contractors shall enter into a bond with such city for the use of such city and also for the use of all persons who may perform any work or labor or furnish any skill or material in the execution of such contract, conditioned to pay, as they become due, all just claims for all work and labor performed and all skill and material furnished in the execution of such contract, and also to save such city harmless from any cost, charge and expense that may accrue on account of the doing of the work specified in such contract, and also to complete such contract, according to the terms thereof and the contract price, and to comply with all the requirements of this law; which bond shall be in such an amount as the city council shall determine, not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by such contractor and two (2) or more sufficient sureties, and after being approved shall be filed, with the contract, in the office of the city controller, which said bonds shall be prepared by the city attorney and approved by the mayor.

Sureties—qualification.

SEC. 341. Sureties.—The sureties of such bond shall each take and subscribe an oath that he is a resident of the State of Minnesota, and that he is seized in fee of real estate situated in said state, and not exempt by law from sale or execution, of the value and worth over and above all incumbrances thereof on the same, for which he is to justify in said bond. More than two (2) sureties may be accepted on such bond, and they may justify in separate and different sums less than the sum specified in such bond; *provided*, that the aggregate of their justifications shall be equal to two (2) sureties, each justifying in a sum equal to the amount of said bond.

Right of action on bonds—who parties.

SEC. 342. Right of action on bonds.—Whoever shall perform, or cause to be performed, any work or labor, or furnish, or cause to be furnished, any skill or material, including any work, labor, skill or material necessary

in the repair of any tool or machine and including the use of any tool or machine or material furnished particularly for such contract and used therefor, in the execution of such contract, at the request of the contractor, his agents, heirs, administrators, executors or assigns, or at the request of any sub-contractor, his agents, heirs, administrators, executors or assigns, or at the request of such city, in case such city shall have determined such contract and shall have completed the same at the cost of the contractors, shall be considered a party in interest in said bond, and may bring an action thereon for the reasonable value or agreed price, as the case may be, of the work or labor performed or skill or material or tool or machine furnished in the performance of such contract.

Trust companies may be sureties, who are organized under Chap 3, G. L. 1885, and chap. 42 G. L. 1893.

SEC. 343. Trust companies may be sureties.—Any company organized under chapter three (3) of the general laws of Minnesota for eighteen hundred and eighty-five, entitled "An act to amend an act entitled an act to authorize the organization and incorporation of annuity, safe deposit and trust companies, approved March fifth, eighteen hundred and eighty-three," approved March fifth, eighteen hundred and eighty-five, and any company referred to in and complying with the provisions of chapter forty-two of the general laws of eighteen hundred and ninety-three, entitled "An act relative to recognizances, stipulations, bonds, obligations and undertakings, and to allow corporations to be accepted as surety thereon," approved April eighteenth, eighteen hundred and ninety-three, may, if satisfactory to the city, become sole surety under any bond required by this act, and in such case so much of the provisions of this act as requires two (2) or more good and sufficient sureties shall be considered to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions hereof relating to sureties or approvals shall be required.

Action on bond within one year

SEC. 344. No action shall be maintained on any such bond unless the same shall be commenced within one year after the cause of action accrues.

Monthly estimates.

SEC. 345. Monthly estimates.—Estimates shall be allowed monthly on all city contracts and the amount thereof shall be due and payable on the tenth day of the month succeeding the month in which the labor was performed or materials were furnished, on account of which the estimate is allowed.

Board of tax levy continued.

SEC. 346. Board of tax levy.—In any county in this state having a board of tax levy, operating under any special law or amendment thereto, whose election, designation or appointment, and whose powers and duties

are prescribed by or in any such law, and who are authorized, empowered and directed thereby to fix the maximum rate or rates of taxation to be levied for certain city purposes, said board of tax levy shall continue to exist and to perform all the duties, and to exercise all the powers now prescribed by law for such board of tax levy, so far as the same affect any city accepting this act; and nothing in this act shall be held or construed to repeal any such law or to authorize or permit any officer or officers, or any person or persons, to exercise or perform any of such powers or duties.

Limitation of actions for injuries against city.

SEC. 347. Limitations of actions.—No action shall be maintained against any city on account of any injuries received in any manner whatsoever, nor on account of any injuries to persons or property by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one (1) year from the receiving of the personal injuries or the happening of the injury, nor unless notice shall first have been given in writing to the mayor of the city or the city clerk thereof, within thirty (30) days of the receiving of such personal injury, or of the occurrence of such injury to persons or property, stating the place where and the time when the same was received, and that the person injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason. Nor shall any such action be maintained for any defect in any street until the same shall have been opened and graded, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built. All actions arising ex delicto, including the action provided for by section two of chapter seventy-seven of the general statutes of eighteen hundred and seventy-eight, and including those hereinbefore stated in this section, shall be commenced within one (1) year after the cause of action accrues and not thereafter, and all actions arising ex contractu shall be commenced within two (2) years after the cause of action accrues.

Same—actions *ex contractu*.

Statute of limitations—general.

SEC. 348. Statute of limitations.—No right, title, estate or easement of any city in or to any property shall be prejudiced or lost by any adverse possession or occupancy, and no statute of limitation shall run or operate as against any city in favor of any person or persons occupying any of the public or platted streets or public or platted grounds, parks, parkways or boulevards of the city, whether such street or grounds or any such property be improved or not.

Unauthorized obstruction in streets, &c.—subrogation.

SEC. 349. Unauthorized obstructions in streets, etc.—If any person or company shall place or leave any obstruction, or make any excavation or opening, or cause any defect in any street, road, alley, public grounds or sidewalk in said city, or leave any obstructions or excavations or openings unguarded or without proper protection, such person or company shall be liable to any person who may be personally injured, or whose property may be injured or destroyed without his fault by means of such obstruction, excavation or opening; and in case any damage shall be recovered in any action against said city for injuries caused by such obstruction, excavation or opening, the city shall have the right to recover the amount of such damages in turn from the person or company placing such obstruction or making such excavation or opening; *provided*, that, upon the commencement of any such action against the city, notice thereof shall be immediately given in writing to such person or company so liable, with the statement that the city will look to such person or company to pay the amount of any judgment against the city which may be recovered in such action, and an opportunity given such person or company to defend such action; and such person or company may, upon his or its own application or the application of the city, be made a party defendant to such action; in which case, if judgment be recovered against the defendants, execution thereon shall be first issued against such person or company only, and the city shall not be required to pay such judgment until such execution shall be returned unsatisfied.

Warrants—process.

SEC. 350. In regard to issue of warrants.—In all prosecutions for any violation of this act or of any ordinance of any city, the first process shall be a warrant; *provided*, that no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of any city; but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, processes, or writs by any court for violation of any ordinance of any city shall run in the name of the city and shall be directed to the superintendent of police or any police officer of said city.

Affidavit of city printer—filing.

SEC. 351. Affidavit of city printer.—The proprietor of the official paper shall immediately after the publication of any notice, ordinance or resolution or proceedings of the city council or any other matter which is required to be published by any of the provisions of this

act, or any ordinance passed in pursuance thereof, file with the city clerk of the city a copy of such publication, with his affidavit, or the affidavit of his foreman, of the time the same has been published, and such affidavit shall be prima facie evidence of the publication of any such notice, ordinance, resolution or council proceeding, or any such other matter required to be published as herein provided; and no account or claim for any publication whatever shall be allowed and adjusted by the city controller until such affidavit shall have been filed with the city clerk and the city clerk shall have certified that fact to the city controller.

Judgments—how paid.

SEC. 352. Judgments—How paid.—Whenever any final judgment shall be recovered in any competent court against the city no execution shall issue thereon against such city, but such city shall cause the same to be paid.

No bond on appeal by city.

SEC. 353. Cities not required to give bonds.—The city shall not be required in taking any appeal, or in serving out any writ or process, or in or about the prosecution of any act or proceeding, to enter into any bond, or to give any security whatever, and all proceedings in such action shall be stayed the same as though such bond had been given.

Who may administer oaths.

SEC. 354. Who may administer oaths.—The mayor, acting mayor, president of the city council or presiding officer thereof, the president, chairman or head of any board authorized by this act, shall, by virtue of their office, in all matters and proceedings before them relating to or appertaining to the city, be and are hereby authorized to administer oaths and receive testimony under oath or affirmation.

Authority to repair roads and bridges.

SEC. 355. Authority to repair roads and bridges. —The city council of any city, by a two-thirds vote of all the members elect, shall have the power to build, repair and maintain roads and bridges beyond the city limits into other towns and counties, whenever they deem it proper, and fix the amount and manner in which the appropriations for such purposes shall be expended.

Gas, water and sewer pipes laid before paving.

SEC. 356. The city council shall have the power to, and shall require, before any street is paved, that the gas, water and sewer pipes be laid therein and connections made with the front line of each lot. In the business portion of the city the word "lot" shall be construed to mean a subdivision twenty-two (22) feet front. This provision shall not apply as to gas pipes in cities where there is no system of gas lighting with mains laid in the public streets, nor water pipes in cities where there is no system of public water works with pipes laid in the streets, nor to sewer pipes in cities where

there is no system of carrying off sewerage by pipes laid in the streets.

Library board —board of education.

SEC. 357. Library board—Board of education.—Nothing in this act contained shall be construed to affect the powers and duties of any board of education or library board in any city.

No right to be affected.

SEC. 358. No right to be affected.—That no rights already accrued to any city, or any penalty or forfeiture incurred in favor of any city under the provisions of any act of this state shall be affected by this act, nor shall this act affect any action or other legal proceeding pending at the date of the approval of this act; and all proceedings for the acquirement of parks and parkways and the making of local improvements and the making and collection of assessments therefor, which improvements have been finally ordered under the provisions of any law of this state, before the date of the approval of this act, shall be proceeded in as though this act has not been passed.

General laws repealed.

SEC. 359. All general laws and parts thereof inconsistent with the provisions of this act are hereby repealed; *provided*, nothing in this section shall be taken or construed as in any manner changing the provisions of section twenty-one (21) of this act.

When to take effect.

SEC. 360. This act shall take effect and be in force from and after its passage.

Approved April 8, 1895.

CHAPTER 9.

H. F No. 805.

An act to amend section two (2) of chapter ten (10), general statutes eighteen hundred and seventy-eight (1878), relating to the organization of townships.

To amend Sec. 2 Chap. 10 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That section two (2) of chapter ten (10), general statutes eighteen hundred and seventy-eight, (1878) be and the same is hereby amended so as to read as follows:

May annex or attach to organized towns.

"A fraction of a township or any unorganized territory, whether fractional or otherwise, may be attached by said commissioners to an adjoining town, or be divided between two or more towns, or organized separately, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers or lakes or creeks so divide a township as to make it inconvenient to do town business, the said commissioners may dispose of any fraction so formed by annexing the same to

an adjoining township in the same county if it shall seem to them proper, whenever petitioned to do so by not less than two-thirds (⅔) of the legal voters residing in such fraction; and the fact that any such petition is so signed by two-thirds (⅔) of such voters may be proved by the affidavit of any legal voter residing in such fraction having knowledge of the fact; and any township having two or more villages or cities, each containing two hundred or more inhabitants, may petition the county commissioners for a division; and whenever the county commissioners are so petitioned, they may, if they think the interest of such town will be subserved thereby, proceed to divide such townships in such manner as will best suit the convenience of the state; *provided*, however, that at least twenty days notice shall first be given by the county commissioners to the chairman of the board of supervisors of each township affected by the change, before action is taken thereon; *provided further*, that nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached from any tax levied or assessed, prior to such division being made; *provided*, that the part or portion of any town annexed to any other town, and any village or city separated from any town under the provisions of this act, shall not be released from or in any way discharged from the payment of any bonded or other indebtedness that may exist against the town from which separation has been made."

When to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

H. F. No. 725.

CHAPTER 10.

To amend Sec. 78 Chap. 10 G. S. 1878.

An act to amend section seventy-eight (78) of chapter ten (10) of the general statutes of Minnesota for the year eighteen hundred and seventy-eight (1878), relating to the duties of town clerk.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section seventy-eight (78) of chapter ten (10) of the general statutes of Minnesota for the year eighteen hundred and seventy-eight (1878) be and the same is hereby amended so as to read as follows:

Report to be read at ensuing town meeting and posted.

"Sec. 78. Such report shall be produced and publicly read by the town clerk at the next ensuing town meeting; and the whole or any portion of such report may

be referred, by the order of the meeting, to a committee, whose duty it shall be to examine the same and report thereon to such meeting. It shall also be the duty of the town clerk to post a copy of such report in a conspicuous place where such town meeting is held, at least half an hour before the time for holding such meeting, and the clerk shall be paid for said copy half the fees he is entitled to charge for making the original report."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

CHAPTER 11.

S. F. No. 157.

An act to amend sections 129 and 144 of chapter eight of the general statutes of Minnesota of 1878, relating to the office of county auditor and county treasurer.

To amend Sec. 129 and 144 Chap 8 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section 129 of chapter eight of general statutes of 1878 be and the same is hereby amended so as to read as follows:

"Sec. 129. There shall be elected in each organized county a county auditor, who shall hold his office for two years, from the first Monday of January next succeeding his election, and until his successor is elected and qualified, and shall keep his office at the county seat."

Auditor to be elected in each organized county.

SEC. 2. That section 144 of said chapter be and the same is hereby amended so as to read as follows:

"Sec. 144. In each organized county there shall be elected a county treasurer whose term of office shall commence on the first Monday of January next succeeding his election, and continue for two years and until his successor is elected and qualified."

Treasurer—same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1895.

S. F. No. 689.

CHAPTER 12.

To amend Sec. 126 Chap. 11 G. S. 1878.

An act to amend section one hundred and twenty-six (126) of chapter eleven (11) of the general statutes of one thousand eight hundred and seventy-eight, relating to county auditors furnishing towns with abstract of real estate assessments.

Be in enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one hundred and twenty-six (126) of chapter eleven (11) of the general statutes of one thousand eight hundred and seventy-eight, be and the same is hereby amended to read as follows:

County auditor to furnish towns with abstract of real estate assessments.

"Sec. 126. County auditor to furnish towns with abstract of real estate assessments. Each county auditor shall, on or before the first Tuesday of March, A. D., one thousand eight hundred and ninety-seven, and biennially thereafter, make out and transmit to the town clerk of each town in his county a certified copy or abstract of the real estate assessment roll of said town, as equalized by county and state boards of equalization."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

H. F. No. 570.

CHAPTER 13.

To amend Sec. 86 Chap. 10 G. S. 1878.

An act to amend section eighty-six (86) of chapter ten (10) of the general statutes of Minnesota for the year eighteen hundred and seventy-eight (1878), relating to the fees of town officers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section eighty-six (86) of chapter ten (10) of the general statutes of Minnesota for the year eighteen hundred and seventy-eight (1878) be and the same is hereby amended so as to read as follows:

Salaries of town officers.

"Sec. 86. The following town officers are entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town in the duties of their respective offices: The town assessors shall receive for their services two dollars ($2.00) per day while engaged in their respective duties as such assessors. The town clerks and supervisor shall receive for their services one dollar and fifty cents

($1.50) per day when attending to business in their town and two dollars ($2.00) per day when attending to business out of town; no supervisor shall receive more than forty dollars ($40.00) for compensation in any one year; *provided*, that the town clerk shall be paid fees for the following, and not a per diem: For serving notice of election upon town officers, as required by law, twenty-five (25) cents each; for filing any paper required by law to be filed in his office, ten (10) cents each; for posting up notices required by law, twenty-five (25) cents each; for recording any order or instrument of writing authorized by law, six (6) cents for each one hundred (100) words; for copying any record or instrument on file in his office and certifying the same, six (6) cents for each one hundred (100) words, to be paid by the person applying for the same; *provided, further*, that at any town meeting, before the electors commence balloting for officers, they may by resolution increase the compensation of officers, but no such increase shall exceed fifty (50) per cent."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

CHAPTER 14.

S. F. No. 133.

An act to amend chapter eleven (11) of the general statutes of one thousand eight hundred and seventy-eight (1878), and amendments thereto, relating to the assessment and collection of taxes.

To amend Sec. 59 chap. 11 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section fifty-nine (59) of said chapter eleven (11) be and the same hereby is amended so as to read as follows:

"Sec. 59. If the sheriff of said county is unable for the want of goods and chattels whereon to levy, to collect by a distress or otherwise, the taxes or any part thereof, which may have been assessed upon the personal property of any person or corporation, or any executor or administrator, guardian, receiver, accounting officer, agent or factor, such sheriff shall file with the clerk of the court, on the first (1st) day of June following, a list of such taxes, with an affidavit of himself or the deputy sheriff intrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such

Determination and cancellation of uncollectible taxes.

taxes and was unable to make or collect the same. He shall note on the margin of such list the place to which any delinquent taxpayer may have removed, with the date of his removal, if he is able to ascertain the fact. The sheriff shall at the time of filing said list with the clerk also return all the warrants with indorsements thereon showing his doings in the premises, and the clerk shall file and preserve said warrants in his office. On or before the tenth (10th) day of June thereafter the clerk shall deliver the said list and affidavit to the county treasurer, who shall by comparison of such list with the tax duplicates in his office, ascertain whether or not all personal property taxes which had been reported by him to the clerk as delinquent, except those included in the list so returned by said sheriff to said clerk and by said clerk filed with said treasurer, have been paid into the office of said treasurer, by the sheriff or otherwise, and shall attach to said list his certificate, as to whether or not all taxes which were reported by him to the clerk as delinquent, and which are not included in said list so returned, have been received by him, and state the items of such taxes, if any, as shall not have been received. Said treasurer shall deliver such list and affidavit, with his certificate attached, to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected. A copy of the tax list so revised and also a separate list of the taxes so canceled shall be included in the records of the proceedings of said board and published in full, as a part of such proceedings."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1895.

H. F. No. 640.

CHAPTER 15.

Amendment relating to the university.

An act to amend chapter thirty-seven (37) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by chapter two hundred and sixty-six (266) of the general laws of eighteen hundred and eighty-nine (1889), relating to the university.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter thirty-seven (37) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by chapter two

hundred and sixty-six (266) of the general laws of eighteen hundred and eighty-nine (1889) is hereby amended so as to read as follows:

Government board of regents—personelle.

Government board of regents.—The government of the university shall be vested in a board of thirteen (13) regents, of which the governor of the state, the state superintendent of public instruction, the president of the university and the Honorable John Sargent Pillsbury for and during his good pleasure as an honorary member, having the same power as any other member, shall be members ex-officio, and the nine (9) remaining members thereof shall be appointed by the governor by and with the advice and consent of the senate. Whenever a vacancy therein occurs for any cause, the same shall be filled for the unexpired term in the same manner. After the expiration of the term of the members of the present board of regents, their successors shall be appointed in like manner, and shall hold their office for the full term of six (6) years from the first Wednesday of March succeeding their appointments, and until their successors are appointed and qualified. The president of the university shall be ex-officio the corresponding secretary of the board of regents.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1895.

CHAPTER 16.

S. F. No. 194.

To amend Chap. 37 G. S. 1878.

An act to amend chapter thirty-seven of the general statutes of one thousand eight hundred and seventy-eight, relating to the University of Minnesota.

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. That section fourteen of chapter thirty-seven of the general statutes of one thousand eight hundred and seventy-eight, as amended by chapter seventy-one of the general laws of one thousand eight hundred and eighty-three be amended so as to read as follows:

Prohibition within a mile of the university.

Sec. 14. It shall be unlawful for any person to sell or dispose of any spirituous, vinous or malt liquors within a distance of one mile from the main building of the University of Minnesota, as now located in the city of Minneapolis; and it shall be unlawful for any person to keep or maintain any pool room, billiard room, or other place resorted to for the purpose of playing, either for gain or pleasure, any game of billiards, pool, roulette,

or with dice, cards or other devices, within a distance one mile from the said main building of the said university; *provided*, that nothing in this section contained shall be construed as prohibiting any such athletic games or exercises as shall or may be sanctioned or permitted by the regents or faculty of the said university, nor playing in private families; and *provided further*, that the provisions of this section shall not apply to that part of the city of Minneapolis lying on the west side of the Mississippi river.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1895.

S. F. No. 195.

CHAPTER 17.

To amend Sec. 62 Chap. 36 G. S. 1878.

An act to amend section sixty-two (62) of chapter thirty-six (36) of the general statutes of A. D. one thousand eight hundred and seventy-eight (1878), relating to the duties of the county superintendent of schools.

Be it enacted by the legislature of the State of Minnesota:

SECTION 1. That section sixty-two (62) of chapter thirty-six (36) of the general statutes of A. D. one thousand eight hundred and seventy-eight is hereby amended by adding thereto the following: *Provided*, that upon the written application to the "high school board" the said board shall grant and extend the right to take the examinations or tests given by the said board in the schools under its supervision to the common district schools, and to any and all independent and special school districts not under the supervision of the said board.

School examinations.

County superintendent to establish course of studies.

SEC. 2. The county superintendent of schools shall hold the same relation to the said board as the principal or superintendent of the schools under the supervision of said board he shall establish a regular and orderly course of study that shall fully meet the requirements of said examinations or tests; *provided*, first, that said course of study shall include the subjects of arithmetic, geography, history of the United States, English grammar, civil government and physiology, and such other subjects as are taught in the schools under the supervision of the county superintendent; *provided*, second, that each independent or special school district, before securing the rights enumerated in

section one (1) of this act shall establish a regular and orderly course of study that shall fully meet the requirements of said examinations or tests, but said course of study shall include only those subjects that shall be pursued in the school or schools in said districts.

County superintendent to appoint assistants.

SEC. 3. The county superintendent of schools shall have power to appoint assistants not to exceed one for each four townships in the county; each said assistant shall take charge of the examination at one of the points in the county where the examination is held, and the number of points in the county where the examinations shall be held and conducted shall be one for each four townships in the county; *provided*, that the county superintendent of schools in selecting the points of examination shall not be required to select more points than he deems necessary.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 23, 1895.

CHAPTER 18.

S. F. No. 158.

An act to amend section ninety-four (94) of chapter thirty-six (36) of the general statutes of 1878, relating to independent school districts.

To amend Sec. 94 Chap. 36 G. S. 1878.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section ninety-four (94) of chapter thirty-six (36) of the general statutes of one thousand eight hundred and seventy-eight be, and the same is hereby amended to read as follows:

"Section 94. Any city, town, village or school district or any two or more school districts where each consists in whole or in part of portions of the same incorporated city, now or hereafter organized, may be organized into and established as an independent school district, in the manner and with the powers hereinafter specified; *provided*, first, that this title shall not apply to any township or school district containing less than five hundred inhabitants, unless said school district or school districts consist in whole or in part of one incorporated city, town or village; *provided*, second, that the provisions of this chapter shall not apply to any city, town or village or any part thereof, which now has any special law regulating its schools; *provided*, third, that the territorial limits of no independent dis-

Independent school districts

trict hereafter organized shall exceed six (6) miles square; except that all the territory within the limits of any city in the state may be included in and constitute one school district."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1895.

S. F. No. 302.

CHAPTER 19.

To amend Sec. 107 chap. 34 G. S. 1878.

An act to amend section one hundred and seven of chapter thirty-four of the general statutes of one thousand eight hundred and seventy-eight relating to corporations.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one hundred and seven of chapter thirty-four of the general statutes of one thousand eight hundred and seventy-eight be and the same is hereby amended so as to read as follows:

Sec. 107. Any corporation which has been heretofore, or which shall be hereafter, duly organized under the laws of Minnesota for the purpose of developing or improving the water power on any of the water courses of this state and of applying the same to manufacturing purposes, may obtain the right to overflow, drain or otherwise use, enjoy or damage, by reason of any dam, lock, sluice, waste way, head race or tail race, or other erection necessary for the convenient prosecution of their enterprise, all or any lands, rights, easements or other property damaged thereby, by proceeding as in this title provided.

Condemnation by water power compa ies.

SEC. 2. All acts and parts of acts in so far as the same are inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the date of its passage.

Approved April 17, 1895.

CHAPTER 20.

S. F. No. 332.

An act to amend sections two hundred and five, two hundred and six, two hundred and seven and two hundred and eight of title three of chapter thirty-four of the general statutes of one thousand eight hundred and seventy-eight, relating to corporations.

To amend Secs. 205 to 208 Chap. 34 G. S. 1878.

Be it enacted by the legislature of the State of Minnesota:

SECTION 1. That sections two hundred and five, two hundred and six, two hundred and seven, and two hundred and eight of title three of chapter thirty-four, of the general statutes of one thousand eight hundred and seventy-eight be amended so as to read as follows.

Sec. 205. That any subordinate lodge of the Ancient Order of United Workmen, or any camp of Modern Woodmen of America, instituted in this state, under the authority of the grand lodge of the state, or the supreme lodge of the United States, or the head camp of this state or of any other state having jurisdiction over the order in this state, may become incorporated in the manner provided herein.

Incorporation by A. O. U. W. and Woodmen.

Sec. 206. Such subordinate lodge, or grand lodge, or such subordinate camp, or head camp, shall cause to be prepared a certificate which shall contain:

First—The charter name and number of such lodge or camp.

Articles—what to contain.

Second—The time when, and the authority by which such lodge or camp was instituted.

Third—The name of the charter members of such lodge or camp.

Fourth—The location of such lodge or camp.

Fifth—The names of the elective officers of such lodge or camp who hold said offices at the time of incorporation—such certificate shall be under the seal of such lodge or camp and shall be signed by the said elective officers, and shall be recorded in the office of the register of deeds of the county where such lodge or camp is located and meeting at the time of such incorporation.

Sec. 207. Upon filing such certificate in the office of such register of deeds such lodge or camp shall become a body corporate, under its charter name and number, and shall have power to sue and be sued, by its corporate name, and in such name to acquire or receive by purchase, gift, grant or bequest, any property, real, personal or mixed, and the same to hold, transfer, sell, mortgage, convey, loan, let or otherwise use in accord-

Filing.

ance with the laws and usages of such orders respectively, and the laws of this state.

Seal—conveyance.

Sec. 208. The seal of such lodge or camp shall be its corporate seal, and shall be attached to all conveyances of real property. Such conveyances shall be signed by the chief officer of such lodge or camp, and by the secretary or recording officer thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

H. F. No. 243.

CHAPTER 21.

To amend Sec. 416 Chap 34 G. S. 1878.

An act to amend section four hundred and sixteen (416) of chapter thirty-four (34) of "General Statutes one thousand eight hundred and seventy-eight (1878)," providing for the continuance of corporations for certain purposes.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section four hundred and sixteen (416) of chapter thirty-four (34) of general statutes one thousand eight hundred and seventy-eight (1878) be amended by adding thereto the following proviso, viz:

Corporate life extended.

Provided, that in all cases where corporations have heretofore been created exclusively for the purpose of owning, improving, selling and dealing in lands in this state, whose articles of incorporation provided for a five years' duration only, which period has expired by limitation, but the affairs of the corporation have not yet been wound up, and there is still some real estate standing in the name of such corporation, and some debts unpaid, the said corporation may, for the sole purpose of winding up its affairs, and disposing of such property, paying such debts, and dividing their capital stock, continue to exist for the period of six months after the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13, 1895.

CHAPTER 22.

H. F. No. 855.

An act to amend section two (2) of chapter twenty-seven (27), general statutes of eighteen hundred and seventy-eight (1878), relating to the publication of the decisions of the Supreme Court.

To amend Sec. 2 of Chap. 27, G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section two (2) of chapter twenty-seven (27) of the general statutes of eighteen hundred and seventy-eight (1878) be, and the same is, hereby amended so as to read as follows: Section two (2) Powers and duties.—The reporter shall make careful and accurate reports of all cases argued and decided by the supreme court. He shall be entitled to the possession of the original files in all cases for a reasonable time to prepare copies for publication, and shall report the cases more or less at large, according to their relative importance. The report of each case shall contain concise notes of the points decided, a statement of the facts taken from the records, when the same are not fully given in the opinion of the court, the names of the counsel with the points made and authorities cited, (more or less at length in the discretion of the reporter), and the opinion of the court. He shall publish a volume of such reports as often as there is sufficient matter to form a volume of not less than six hundred (600) pages. All volumes hereafter published shall bear the uniform title of "Minnesota Reports;" *provided*, that when a decision only involves a principle well settled by previous decisions, the supreme court shall note, or cause to be noted, on the opinion that it is not to be reported in full, and shall refer to the last fully reported case covering the same point or points, and the report of such cases shall contain only the title and syllabi which shall be published in each volume under the head of "Cases not reported in full."

Supreme court reporter—powers and duties of.

When reports to be published.

Title of same.

When not to be reported in full.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22, 1895.

H. F. No. 303.

CHAPTER 23.

To amend Sec. 2 Chap. 27 G. S. 1878.

An act to amend section two (2) of chapter twenty-seven (27) of the general statutes of eighteen hundred and seventy-eight (1878), relating to the reporter of the supreme court, and the manner of printing the reports of the supreme court.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That section two (2) of chapter twenty-seven (27) of the general statutes of eighteen hundred and seventy-eight (1878) be, and the same is hereby amended so as to read as follows:

Duties of supreme court reporter.

The reporter shall make careful and accurate reports of all cases argued and decided by the supreme court. He shall be entitled to the possession of the original files in all cases for a reasonable time to prepare copies for publication, and shall report the cases more or less at large, according to their relative importance. The report of each case shall contain concise notes of the points decided, a statement of the facts taken from the record, when the same are not fully given in the opinion of the court, the names of the council, and their official designation, if any, as subscribed by them to their respective briefs, with the points made and authorities cited (more or less at length in the discretion of the reporter), and the opinion of the court. He shall publish a volume of such reports as often as there is sufficient matter to form a volume of not less than six hundred (600) pages. All volumes hereafter published shall bear the uniform title of Minnesota Reports."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

S. F. No. 540.

CHAPTER 24.

To amend Sec. 117 Chap. 65 G. S. 1878.

An act to amend section one hundred and seventeen (117) of chapter sixty-five (65) of general statutes of eighteen hundred and seventy-eight, relating to appeals from courts of justices of the peace.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one hundred and seventeen (117) of chapter sixty-five (65) of the general statutes

of 1878, be and the same is hereby amended so as to read as follows:

"Sec. 117. Upon an appeal upon questions of law alone the action shall be tried in the district court upon the return of the justice; upon an appeal upon questions of fact alone, or upon questions of law and fact, the action shall be tried in the district court in the same manner as actions originally commenced in said court. And in all cases where an appeal has been allowed by a justice of the peace in any case, and return thereof made to the district court, and said appeal shall be for any cause dismissed, the said district court shall nevertheless enter its judgment in said action affirming the judgment of the court below, and the costs of both courts may be taxed before the clerk of said district court and entered in said judgment, and the respondent have execution therefor against the appellant and his sureties upon the appeal bond, as in other cases. Appeals from justice.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

CHAPTER 25.

S. F. No. 603.

An act to amend section 3 of chapter 64 of the general statutes of the State of Minnesota of 1878, in regard to the powers of the district court. To amend Sec. 3 chap. 64 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

95 C 25
71-M - 16

SECTION 1. That section 3 of chapter 64 of the general statutes of the state of Minnesota be, and the same hereby is, amended so as to read as follows:

"Sec. 3. The said courts in term time, and the judges thereof in vacation have power to award throughout the state, returnable to the proper county, any and all writs necessary for the abatement of any nuisance, writs of injunction ne exeat, and all other writs or processes necessary to the perfect exercise of the powers with which they are vested and the due administration of justice." Writs in vacation.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

S. F. No. 182.

CHAPTER 26.

To amend Sec. 14 Chap. 88 G. S. 1878.

An act to amend section fourteen, of chapter eighty-eight of the general statutes of one thousand eight hundred and seventy-eight, relating to attorneys and counselors.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That section fourteen of chapter eighty-eight of the general statutes of eighteen hundred and seventy-eight, be and hereby is amended so as to read as follows, to wit:

Party to substitute attorney for record attorney disabled.

Sec. 14. When the attorney of a party to any action, or proceeding in any court of record in this state, dies, becomes insane, or is suspended, the party to such action or proceeding, for whom such attorney appears, as the sole attorney, shall within ten days after such disability appoint another attorney and forthwith notify the adverse party, or his attorney, in writing thereof, and in case such party fails within said time to appoint another attorney, and at least twenty days before any further proceedings be had against him, he shall be required by notice in writing by such adverse party, to appoint another attorney; *provided*, if such party is a non-resident, such notice may be served on the clerk of the court wherein such action or proceeding is pending.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

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95 c 27
99-M - 457
109-NW 995

H. F. No. 694.

CHAPTER 27.

To amend sec. 8 Chap. 73 G. S. 1878.

An act to amend section eight (8) of chapter seventy-three (73), general statutes of eighteen hundred and seventy-eight (1878) of Minnesota and amendments thereto, relating to evidence.

Be it enacted by the Legislature of the state of Minnesota:

Conversations with deceased persons—when admissible.

SECTION 1. That section eight (8) of chapter seventy-three (73), general statutes of eighteen hundred and seventy-eight (1878) be amended to read as follows: "It shall not be competent for any party to an action, or interested in the event thereof, to give evidence therein of or concerning any conversation with or

admission of, a deceased or insane party or person, relative to any matter at issue between the parties; *provided;* that where the testimony of the party or person, since deceased, or insane, shall have been taken prior to death or disability, either in form of a deposition or by court stenographer in court and can be had and read as the testimony of such witness; wherein such party or person shall have testified concerning any conversation with the opposite party or person or concerning admissions made to such party; upon a trial of the issues after the death or disability of such party or person as contemplated in this section, the opposite party may testify fully in reference to conversations and admissions to which the aforesaid deposition or evidence shall relate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

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95 c 28
94-M - 370
102-NW 869

CHAPTER 28.

H. F. No. 228.

An act to amend section fifty-one (51) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) relating to change of place of trial of civil actions.

To amend Sec. 51 Chap. 66 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

95 C 28
72-M - 153
74-M - 211
77-M - 302
79-NW 960
83-NW 342

SECTION 1. That section fifty-one (51) of chapter sixty-six (66) of the general statutes of one thousand eight hundred and seventy-eight (1878) be amended so as to read as follows:

Sec. fifty-one (51). If the county designated for that purpose in the complaint is not the proper county, the action may notwithstanding be tried therein, unless the defendant before the time for answering expires demands in writing that the trial be had in the proper county, which demand shall be accompanied by an affidavit of the defendant, his attorney, or agent, as to the actual residence of the defendant at the time of the commencement of the action and upon filing due proof of the service of such demand and affidavit upon the attorney of plaintiff in the office of the clerk of the district court in the county in which such action is commenced such action shall thereupon be transferred and the place of trial thereof changed to the county of which such defendant is a resident without any other steps or proceedings whatever. Where in any action there are

Change of venue—when.

95 c 28
93 - 345
95-M - 289
92-NW 518

several defendants residing in different counties the action shall be tried in the county upon which a majority of such defendants shall unite in such demand.

The court may change the place of trial in the following cases:

First—When there is reason to believe that an impartial trial cannot be had in the county in which the action is then pending.

Second—When the convenience of witnesses and the ends of justice would be promoted by the change.

Provided that when the defendent is upon proper demand made entitled to a change of the place of trial from the county in which the action against him was commenced to the county in which he resides upon the ground that the county designated in the complaint is not the proper county such action cannot for any of the reasons or upon any of the grounds specified in this section be retained for trial in the county where the same was commenced, but can only be tried therein upon removal thereto from the proper county upon the order of the district court in and for such proper county.

Third—A change of venue may in all civil cases be made upon the consent in writing of the parties or their attorneys. When the place of trial is changed, all other proceedings shall be had in the county to which the place of trial is changed unless otherwise provided by the consent of the parties in writing duly filed, or order of the court, and the papers shall be filed or transferred accordingly.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1, 1895.

H. F. No. 422.

CHAPTER 29.

To amend Secs. 43 to 46 Chap. 66 G. S. 1878.

95 c 29
92-NW 464

An act to amend sections forty-three (43) forty-four (44) forty-five (45) and forty-six (46) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) providing for bringing in additional parties plaintiff or defendant.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That sections forty-three (43), forty-four (44), forty-five (45), and forty-six (46) of chapter sixty-six (66), of the general statutes of eighteen hundred

and seventy-eight (1878) be and the same are hereby amended to read as follows:

Bringing in additional parties—plaintiff or defendant.

Sec. 43. Bringing in additional parties plaintiff or defendant.—Whenever the plaintiff, or defendant, in case of a counter-claim or of a demand for affirmative relief, or his agent or attorney, in any action now or hereafter pending in any of the district courts of this state, shall discover that any party ought, in order to a full determination of such action, to have been made a plaintiff, or defendant therein, and shall make an affidavit stating the pendency of such action, and the reasons why the party ought to have been made a plaintiff or defendant therein, and present the same to said court or to a judge thereof, the said court or judge shall, if such reasons are deemed sufficient, grant an order reciting the summons by which the action was commenced, and requiring the said party to appear and answer the complaint in said summons named, or reply to the answer when the same contains a counter-claim or a demand for affirmative relief, within twenty (20) days after the service of such order upon him, exclusive of the day of such service; and in default thereof, the judgment or relief demanded in such complaint or answer will be rendered against him, in all respects as though he had been made a party to such action in the first instance.

Order—how served.

Sec. 44. The order shall be served upon the party in the manner now provided by law for the service of a summons in said court in civil actions.

Stay order.

Sec. 45. The said court or judge may, upon application of the plaintiff or of the defendant, as the case may be, at the time of applying for the order named in section forty-three (43) aforesaid, or at any time thereafter, make an order staying all further proceedings in said action for such time as may be necessary to enable the plaintiff or defendant as the case may be, to have the additional party in said action named brought into court.

After party is brought in.

Sec. 46. After a party has been brought into court under the provisions of this act, the action shall proceed against all the parties thereto in the same manner as though they had all been originally named as parties therein.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22, 1895.

S. F. No. 510.

CHAPTER 30.

To amend Sec. 8 title 2 Chap. 66 G. S. 1874.

An act to amend paragraph or section eight (8) of title two (2) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) of the state of Minnesota, relating to the time of commencing actions.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision or section eight (8) of title two of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) of the state of Minnesota, be amended by changing the first subdivision thereof so as to read as follows, to-wit:

First. An act for libel, slander, assault, battery, false imprisonment or other tort resulting in personal injury.

SEC. 2. This act shall take effect and be in force from and after January 1st, 1896.

Approved April 24, 1895.

S. F. No. 638.

CHAPTER 31.

To amend sub. div. 2 Sec. 10 Chap. 73 G. S. 1878.

An act to amend subdivision two (2) of section ten (10) of chapter seventy-three (73) of the general statutes of 1878, relating to privileged communications by witnesses.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision two (2) of section ten (10) of chapter (73) of the general statutes of 1878 be, and the same is hereby amended so as to read as follows:

Privileged communications.

Second. An attorney cannot without the consent of his client be examined as to any communication made by the client to him or any advice given thereon in the course of professional duty, nor can any employe of such attorney be examined without the consent of such client as to any such communication or advice.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

CHAPTER 32.

S. F. No. 427.

An act to amend section thirteen (13), of title two (2), of chapter sixty-five (65) of the general statutes of Minnesota, eighteen hundred seventy-eight (1878) entitled "Courts of Justice of the Peace."

To amend Sec. 13 title 2 Chap. 65 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section thirteen (13) of title two (2) of chapter sixty-five (65) of the general statutes of Minnesota, one thousand eight hundred and seventy-eight, be amended so as to read as follows:

Summons—service—returnable.

Sec. 13. In all cases not otherwise provided for, the first process is by summons, commanding the officer to summon the defendant to appear before such justice at a time and place expressed in such summons, not less than six nor more than twenty days from the date thereof, to answer to the plaintiff in a civil action, which summons shall be served at least six days before the time of appearance therein mentioned, by reading the same to the defendant and delivering a copy thereof to him, if such defendant can be found, and if not found, by leaving a copy thereof at his or her last usual place of abode with a person of suitable age and discretion then residing therein.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1895.

CHAPTER 33.

S. F. No. 473.

An act to amend section six of chapter sixty-five of general statutes of Minnesota, of one thousand eight hundred and seventy-eight, relating to courts of justices of the peace.

To amend Sec. 6 Chap. 65 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six of chapter sixty-five of general statutes of Minnesota of one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows:

Sec. 6. The jurisdiction conferred by the last section does not extend, however, to a civil action:

Limitation of jurisdiction.

First. In a case involving the title to real estate.

Second. Nor for false imprisonment, libel, slander,

malicious prosecution, criminal conversation or seduction, or upon a promise to marry.

Third. Nor for an action against an executor or administrator as such.

Actions must in all cases be brought in the township where plaintiff or defendant or one of several defendants reside, or at the county seat of the county in which the action is brought.

If none of the defendants reside in the state, action may be brought in any county and township wherein either of the defendants may be found.

If there be no justice in the proper township, qualified or able to try the case, the action may be commenced in any adjoining township in the same county or at the county seat thereof.

Change of venue.

SEC. 2. Nothing herein contained shall be construed to abrogate or qualify the right of change of venue in civil actions as now provided by statute.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 19, 1895.

S. F. No. 297.

CHAPTER 34.

To amend Sec. 101 Chap. 65 G. S. 1878.

An act to amend section 101 of chapter sixty-five (65) of the general statutes of 1878, relating to service of writs of attachment in justice court.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one hundred and one (101) of chapter sixty-five (65) of the general statutes of 1878 be amended so that the same, when amended shall read as follows:

Writ of attachment—how served.

Sec. 101. The writ of attachment shall be returnable as an ordinary summons, and the officer shall execute the same by summoning the defendent, if to be found within the county, and by attaching the goods and chattels, moneys and credits of the defendent, not exempt by law. *Provided*, that if the defendent is a resident of said county but cannot be found therein the officer shall serve said writ by leaving a copy of same, with inventory of property levied on, certified by him, at the last usual place of abode of the said defendent with some person of suitable age and discretion then resident therein.

Sec. 2. All acts or parts of acts inconsistent with or

conflicting with the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

CHAPTER 35.

S. F. No. 500.

An act to amend section 31 of chapter 32 of the general statutes of Minnesota of 1878, entitled "Logs and Lumber."

To amend Sec. 31 Chap. 32. G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Section thirty-one of chapter thirty-two of the general statutes of the state of Minnesota for eighteen hundred and seventy-eight is hereby amended so as to read as follows:

Penalty for interfering with logs.

Whoever takes any logs or timber, not his own, from any of the rivers or their tributaries, in or bordering on this state, or from any slough, ravine, island or land adjoining said rivers or tributaries, into or upon which any logs may run; or cuts out, mutilates, destroys or renders illegible, the mark or marks on any logs or timber, not his own, or in any manner willfully injures any such logs, not his own, or whoever, other than the surveyor general or his deputy, places upon any log or piece of timber not his own, any mark except the original mark, shall, upon conviction thereof, be deemed guilty of a misdemeanor and be punished by a fine of not less than fifty, nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than one year, and shall be further liable for double the market value of said logs at the time so taken or injured, to be recovered by the owner of such logs in a civil action.

In any prosecution under this section, if any such log or timber shall be found in the possession of the defendant, with the mark cut out or destroyed, or partially cut out or destroyed, or such log or timber partially sawed or manufactured into lumber, or partially cut up into any other product, such possession shall be presumptive evidence of his guilt.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1895.

S. F. No. 491.

CHAPTER 36.

To amend Sec. 31 Chap. 32 G. S. 1878.

An act to amend section thirty-one, chapter thirty-two, general statutes 1878, relating to stealing logs and injury to marks thereon.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the general statutes of one thousand eight hundred and seventy-eight, chapter thirty-two, section thirty-one, be amended so as to read as follows:

Penalty for stealing logs.

Whoever shall wilfully take, carry away, or otherwise convert to his own use, or sell or dispose of, without the consent of the owner or owners, any pile, log or cant suitable to be worked into plank, board, joist, shingles or other lumber, the property of another, whether the owner thereof be known or unknown, lying or being in any lake, bay or river in or bordering on this state, or in any tributary of such lake, bay or river, or tributary, or in or on any slough, ravine, island, bottom, or land adjoining any such lake, bay or river, or tributary, such property being so taken, carried away or otherwise converted or sold or disposed of within this state, or taken possession of with intent to sell or dispose of, as aforesaid, or cuts out, mutilates, destroys, or renders illegible the mark or marks thereon, destroying the ownership thereof, or in any manner wilfully injures any such logs, not his own, or places upon any such log, or piece of timber, any mark or device, other than the original mark shall be deemed guilty of the crime of larceny, and on conviction thereof shall be punished by a fine of not less than fifty ($50) dollars and by imprisonment in the county jail not less than three months, and on a second conviction for a like crime shall be punished by a fine of not less than one hundred dollars ($100) and by imprisonment in the state prison not more than two years.

Same.

SEC. 2. Every person guilty of any of the offenses described in this section shall, when convicted thereof in a criminal prosecution or not, be liable to pay the owner or owners of such pile, log, cant, or other lumber respecting which the offense is committed double the amount of the value of the same, to be recovered in an action therefor.

Possession presumptive evidence.

SEC. 3. In any prosecution under this act, if any such pile, log or cant, shall be found in the possession of the defendant either with or without the mark cut out or destroyed or partly cut out or destroyed, or partly sawed or manufactured into lumber of any kind, fence

posts, fence rails, or stove wood, such possession shall be presumptive evidence of his guilt; the owner of any such pile, log, cant, or other lumber, may at any time lawfully, by himself or his agent, enter in a peaceable manner into or upon any mill or mill boom or raft of logs, piles, cant or other lumber, in any river or its tributaries within this state, or on or near the banks of such lakes, bays or rivers or their tributaries in search of any such pile, log, cant, or other lumber, which he may have lost, and any person who shall wilfully prevent or obstruct such search shall upon conviction thereof be liable to a penalty of not less than twenty dollars ($20) nor more than fifty dollars ($50), for every such offense.

SEC. 4. This act sct shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 37.

H. F. No. 873.

An act entitled An act to amend section three hundred and ten (310) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878), relating to property exempt from execution.

To amend Sec. 310 Chap. 66 G. S. 1878.

95 C 37
72-M - 520

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three hundred and ten (310) of chapter sixty-six (66) of the general statutes of one thousand eight hundred and seventy-eight (1878) be and the same is hereby amended by adding to the (ninth) (9th) subdivision thereof the following words, to-wit, "and one (1) bicycle."

SEC. 2. That this act shall be in force and take effect from and after its passage.

Approved April 23d, 1895.

CHAPTER 38.

S. F. No. 218.

An act to amend section 241 chapter 34 general statutes 1878 to authorize cemetery associations to amend certificates of organization.

To amend Sec. 241 Chap. 34 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section 241 chapter 34 general

Amendment of article.

statutes 1878 be and is hereby amended by adding thereto the following:

Provided, that such certificate may be amended or changed by a two-thirds vote of those present and voting at any annual meeting or at any special meeting which may be called by the trustees of the association for that purpose, two weeks' notice of such special meeting and of its objects having been given by publication in a newspaper published in the city or village in which such cemetery is located, or in the city or village nearest thereto in which a newspaper is published, and by the secretary mailing a copy of such notice to each known member of the association residing within ten miles of such cemetery. When any such certificate shall be so amended the amended certificate shall be signed and acknowledged by the president and secretary of the association, and recorded in the office of the register of deeds of the county in which such cemetery is situated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1895.

S. F. No. 404.

CHAPTER 39.

To amend Sec. 260 Chap. 34 G. S. 1878.

An act to amend section two hundred and sixty (260) of chapter thirty-four (34) general statutes of eighteen hundred and seventy-eight (1878), relating to the alienation and descent of cemetery lots.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That section two hundred and sixty (260) of chapter thirty-four (34) general statutes of eighteen hundred and seventy-eight (1878) be and the same is hereby amended so as to read as follows:

Descent of cemetery lot.

Sec. 260. Whenever any lot in any such cemetery shall have been sold and conveyed for burial purposes, the same shall forever thereafter be inalienable except as hereinafter provided.

Before any interment shall have been made therein, or, in case such interment shall have been made, then after all bodies therein buried shall have been lawfully removed, the owner of such lot may sell, convey and release the same to the association maintaining such cemetery, at such price as shall be agreed upon, and such cemetery association may use any of its funds in making such repurchase and may hold or sell and convey such lot as though the same had never been sold.

Upon the death of any such proprietor, said lot,

unless otherwise disposed of by will as hereinafter prescribed, shall descend as follows: First. To the surviving wife or husband of such decedent. Second. If there be no wife or husband surviving, then to the eldest son of such decedent then living. Third. If there be no living son, then to the eldest daughter of said decedent. Fourth. If there be no living daughter, then to the youngest brother of the decedent. Fifth. If there be no living brother then to the youngest sister of the decedent. Sixth. If there by no surviving wife, husband, son, daughter, brother nor sister of the decedent, then such lot shall descend to the association, maintaining such cemetery, in trust, for the uses of a burial lot for the decedent and such of his relatives as the trustees of said cemetery may deem proper.

But said association, or, with its consent, any person to whom such lot shall descend, under the provisions hereof, may grant and convey the same to any one of decedent's sons, daughters, brothers, sisters, or grandchildren, and such grantee shall thereafter be deemed the proprietor thereof.

May be disposed of by will.

Any proprietor of a lot may dispose of the same by will to any one of his relatives who may survive him, or to such cemetery association in trust as aforesaid, but no such lot shall be affected by any testamentary devise unless the same be specifically mentioned in the will.

No interment shall be made in any such lot, except by written consent of the association, of the body of any person who was not at the time of death, the proprietor thereof or a relative of such proprietor, either by blood or marriage.

Record to be kept by association

A record shall be kept by the association of all deeds, conveyances judgments, decrees, or other documents, affecting the title to lots in said cemetery, copies of which certified by the secretary of said association, shall be received in evidence in any of the courts of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 502.

CHAPTER 40.

To amend Sec. 6 Chap. 62 G. S. 1878.

An act to amend section six of chapter sixty-two of general statutes 1878, relating to divorce.

95 C 40
76-M - 293
79-NW 172

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six of chapter sixty-two of general statutes 1878 be and is hereby amended so as to read as follows:

Grounds of divorce.

A divorce from the bonds of matrimony may be adjudged and decreed by the district court on suit brought in the county where the parties, or either of them reside, for either of the following causes:

First—Adultery;

Second—Impotency;

Third—Cruel and inhuman treatment;

Fourth—When either party, subsequent to the marriage, has been sentenced to imprisonment in the state prison;

Fifth—Willful desertion of one party by the other for the term of one year next preceding the filing of the complaint.

Sixth—Habitual drunkenness for the space of one year immediately preceding the filing of the complaint."

SEC. 2. This act shall take effect and be in force from and after October first (1), 1895.

Approved April 22nd, 1895.

H. F. No. 786.

CHAPTER 41.

To amend Sec. 1 Chap. 28 G. S. 1878.

An act to amend section one (1) of chapter twenty-eight (28) of the general statutes of 1878, relating to auctioneers.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter twenty-eight (28) of the general statutes of Minnesota for the year 1878 be and the same is hereby amended so as to read as follows:

Licensing Auctioneers.

"Section 1. The board of county commissioners of any county in this state may license, for the term of one year, one or more legal voters to be auctioneers. The person so licensed shall, before such license is issued, pay into the county treasury a license fee of ten dollars ($10.00). The county auditor shall record in a proper

book kept in his office every license so issued. Such license shall secure to the licensee authority to conduct the business of auctioneering in the county only in which the same is issued."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 42.

H. F. No. 79.

To amend Sec. 30 Chap. 34 G. S. 1878.

An act to amend section thirty (30) of chapter thirty-four (34) of the general statutes of the State of Minnesota eighteen hundred and seventy-eight (1878), relating to the filing of awards by commissioners in condemnation proceedings.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section thirty (30) of chapter thirty-four (34) of the general statutes of eighteen hundred and seventy-eight (1878) be and the same is hereby amended by adding thereto the following proviso.

Provided, however, that for good cause shown the court may by order extend the time for the making of said report for a further period not to exceed three (3) months.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 27th, 1895.

CHAPTER 43.

S. F. No. 44.

To amend Chap. 21 G. S. 1878.

An act to amend chapter twenty-one (21) of the general statutes one thousand eight hundred and seventy-eight (1878) of the State of Minnesota, relating to weights and measures.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter twenty-one (21) of the general statutes one thousand eight hundred and seventy-eight (1878) of the state of Minnesota be, and the same is hereby amended by adding thereto the following provision, to-wit:

Vendor may recover from vendee.

Sec. 14. None of the provisions of this act shall be construed to prevent the vendor from recovering from the vendee the reasonable value or the agreed price for the actual quantity of personal property, merchandise,

or commodity sold or delivered by the said vendor to said vendee, and the failure by such vendor or vendee to comply with the provisions of this act shall not avoid the contract of sale between the parties, and shall not in any case constitute a defense in any action or proceeding in law or in equity for the recovery of, or for the enforcement of any remedy to secure the value or agreed price of such personal property, merchandise, or commodity.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved April 12th, 1895.

H. F. No. 334.

CHAPTER 44.

To amend Sec. 30 Chap. 124 G. S. 1878.

An act to amend section thirty (30) of chapter one hundred and twenty-four (124) of the general statutes of eighteen hundred and seventy-eight (1878), relating to the adoption of children.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section thirty (30) of chapter one hundred and twenty-four (124) of the general statutes of eighteen hundred and seventy-eight (1878) be and the same is hereby amended by adding at the end thereof the following:

Record of decree.

And such decree shall be when so made entered of record in the office of the clerk of the court of the county in which said proceedings are had.

SEC. 2. This act shall take effect from and after its passage.

Approved March 30th, 1895.

H. F. No. 643.

CHAPTER 45.

To amend Sec. 34 Chap. 66 G. S. 1878.

An act to amend section thirty-four (34) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878), the same being an act with reference to actions brought for injury to minor children.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That section thirty-four (34) of chapter sixty-six (66) of the general statutes of eighteen hundred and seventy-eight (1878) be amended to read as follows:

Actions for injury to minors.

"A father, or in case of his death or desertion of his family, the mother, may maintain an action for the

injury of the child; and the guardian for the injury of the ward; *provided further*, that a guardian ad litem duly appointed by the court may in all cases, either before or after death of the said father or mother, maintain such action for injury to any minor child, in the name of such minor by himself as guardian ad litem.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 46.

H. F. No. 61.

An act to amend chapter thirteen (13) of the general statutes of Minnesota of one thousand eight hundred and seventy-eight (1878), relating to public highways in townships, and authorizing the inhabitants of towns to place all roads and bridges within the town under the management of the board of supervisors.

To amend Chap. 13 G. S. 1878.

95 C 46
01 - 295

Be it enacted by the Legislature of the state of Minnesota:

95 c 46
08 - 330

SECTION 1. That whenever a petition of at least twenty (20) per cent of the resident taxpayers of any township shall have been filed with the town clerk of such town at least twenty (20) days prior to any town meeting setting forth that it is deemed expedient to abolish the election of overseers of highways in any township, and to abolish the collection of poll tax, the legal voters of such township at any annual town meeting, may, by a majority of the votes cast, pass a resolution directing that all roads in such township, and the repairing of the same, and the making of new roads already laid out, or that may hereafter be laid out, and the building and repairing of bridges, and the general management and care of the same, shall be under the control and direction of the supervisors of such township, which resolution shall be printed or written, or partly printed or partly written on ballots as follows:

Overseers of highways—when abolished

Form of ballot.

"Resolved, that the election of overseers of highways and collection of poll tax be abolished and all roads in this township and the repairing of the same and the making of new roads already laid out or that may hereafter be laid out and the building and repairing of bridges and the general management and care of the same shall be under the control and direction of the supervisors of this township—"yes"—"no."

And each elector voting on such resolution shall make a cross opposite the "yes" or "no."

Notice.

Provided that whenever such a resolution is to be voted upon, the town clerk shall give notice thereof in his notice of annual town meeting.

Poll tax abolished—when.

SEC. 2. That upon the passage of such a resolution the election of road overseers and the collection of poll tax in such township shall thereby be deemed abolished, and the control of the roads and bridges of such township shall be transferred to the supervisors, and all the duties now imposed and powers conferred by law on the overseers of highways heretofore elected in such township shall devolve upon the supervisors thereof.

Taxes for repairing roads.

SEC. 3. That thereafter all taxes assessed for making and repairing roads shall be paid in money and collected as other taxes are collected for other township purposes, and shall be paid out by the township treasurer on warrants or orders as other monies for other township purposes are paid.

Supervisors to have control.

SEC. 4. The supervisors of each township in this state which shall have availed itself of the provisions of this act shall have the full supervision, management and control of the making and repairing of all the roads and bridges in such township, and may make and repair the same by hire or by contract, and for that purpose may appoint a competent person or persons to superintend the making and repairing of all roads and bridges, who shall hold his position at the pleasure of the supervisors, and who shall make his report to the supervisors at such times as they may designate. He shall receive as compensation such sum as may be agreed upon by the supervisors, not exceeding the sum of two (2) dollars per day, to be paid as other claims against the town are paid.

Superintendent of roads and bridges.

SEC. 5. Every person appointed as such superintendent of roads and bridges, before he enters upon the duties of his office, and within ten (10) days after his appointment, shall take and subscribe the oath of office prescribed by law, and execute a bond to the board of supervisors in such penal sum as the supervisors direct, with sufficient surety, to be approved by the chairman of said board or by the town clerk, conditioned for the faithful discharge of his duties. The chairman of said board or the town clerk shall, if such bond is approved, indorse such approval thereon, over his signature and cause such bond to be filed with the town clerk for the benefit of any person aggrieved by acts or omission of said superintendent, and any person so aggrieved, or the town, may maintain an action on said bond against such superintendent and sureties.

Town orders.

SEC. 6. That it shall be lawful for the supervisors, at at any time after the road tax in any year shall be voted

at the annual town meeting to be assessed, and before the same is collected, to pledge the credit of the township by issuing town orders not exceeding such tax so assessed, in paying the expenses of such making and repairing of roads and bridges of said township, for the current year.

Laws repealed.

SEC. 7. That section one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31) and thirty-two (32) of chapter thirteen (13) of the general statutes of Minnesota of one thousand eight hundred and seventy-eight (1878) (being the same numbered sections of the general laws of Minnesota of eighteen hundred and seventy-three (1873), and all acts amendatory thereof, are hereby suspended as to all townships where such resolution shall be passed in the manner specified in this act, so far as the same are inconsistent with the provisions thereof. *Provided* that the legal voters of any township where this law shall have been adopted and in full force for five (5) years may repudiate the adoption of the same by a majority of the votes cast at any annual meeting, so far as the same applies to such town. But no such vote shall be taken unless petitioned for as provided in section one (1) of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

CHAPTER 47.

H. F. No. 138.

An act to amend section eighty (80) of chapter thirteen (13) of the general statutes of eighteen hundred and seventy-eight (1878), relating to highways.

To amend Sec. 80 Chap. 13 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

95 C 47
01 - 213

SECTION 1. That section eighty (80) of chapter thirteen (13) of the general statutes of eighteen hundred and seventy-eight (1878), be so amended as to read as follows:

95 c 47
84-M - 308

Report of commissioners—appeal—hearing.

Section 80. The commissioners appointed as herein provided shall make a report of all proceedings had by them under this act to the term of the district court held

in the county where such proceedings were commenced, next after the completion of their duties, and any person feeling aggrieved by the action of such commissioners, in laying out such road, may appear and be heard upon such report, at such term of court; and the court upon such hearing may consider the propriety of the proposed road and may make such changes in the same as may be just and proper, and may affirm or reject such report. The confirmation of the report of the commissioners by the court shall be final and the order of confirmation shall direct the time and manner of opening the road for public use; and it shall be the duty of the clerk of said court when the order of confirmation is filed to transmit, within thirty (30) days after receiving the same, in all future cases and within thirty days after the passage of this act in all cases where such report has heretofore been filed, a certified copy thereof to the town clerk of each of the towns through or into which such road shall be laid out, and upon receipt of the same the said town clerk shall notify the supervisors of their respective towns thereof, and it shall be the duty of such supervisors, upon receiving such notice, to proceed to open such road in their respective towns in accordance with the terms and provisions of such order.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

S. F. No. 436.

CHAPTER 48.

To amend Sec. 56 Chap. 13 G. S. 1878.

An act to amend section fifty-six of chapter thirteen, general statutes 1878, to permit county funds to be expended on town roads.

Be it enacted by the Legislature of the state of Minnesota:

County funds for town roads.

SECTION 1. That section fifty-six of chapter thirteen of general statutes of one thousand eight hundred and seventh-eight, be and the same is hereby amended by adding thereto the following: "The county commissioners may in their discretion expend a portion of the county fund upon roads located by town authorities in towns within their county such road and place of expenditures to be designated by the board of county commissioners, *provided*, that the sum so expended on any one road in any town in any year shall not exceed the sum of two hundred dollars, and

that the money so expended shall be paid over to the town and expended as provided by chapter nineteen of the general laws of one thousand eight hundred and ninety-one."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17th, 1895.

CHAPTER 49.

S. F. No. 526.

An act to amend section one of chapter twenty-four, "General Statutes 1878", relating to the "Regulation Labor."

To amend Sec. 1 Chap. 24 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one of chapter twenty-four of "General statutes one thousand eight hundred and seventy-eight," be and the same is hereby amended so as the read as follows, to-wit:

Section 1. In all trades, professions, callings and departments of labor and in all manufacturies, workshops, mills and other places wherein persons are employed to perform labor for hire or reward, in this state, the time of labor for the persons so employed and performing labor, shall not exceed ten hours for each day, and any owner, stockholder or overseer, employer, clerk or foreman who shall compel any person or shall permit any child under the age of fourteen years, so employed, to labor for any more than ten hours in any one day, where such owner, stockholder or overseer, clerk or foreman has control, such person so offending shall be liable to a prosecution in the name of the State of Minnesota, before any justice of the peace, of court of competent jurisdiction of the county wherein the same occurs, and upon conviction thereofshall be fined in any sum not less than ten nor more than one hundred dollars; *provided*, that the provisions of this section shall not apply to agricultural laborers and domestics employed by the month and to persons engaged in the care of live stock; and *provided further* that extra labor may be performed for extra compensation, except in the case of children under fourteen years.

Day's work not to exceed 10 hours.

Penalty.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved April 23rd, 1895.

S. F. No. 120.

CHAPTER 50.

To amend Sec. 5 Chap. 16 G. S. 1878.

An act to amend section five (5) of chapter sixteen (16) of the general statutes of eighteen hundred and seventy-eight (1878) relating to intoxicating liquors.

95 C 50
84-NW 218

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section five (5) of chapter sixteen (16) of the general statutes of eighteen hundred and seventy-eight (1878) be and the same is hereby amended by adding at the end thereof the words: "And in like manner it shall be the duty of the mayor, city attorney, chief of police or any policeman in any incorporated city and the privilege of any person, to make such complaint for such violation within such city of any law of the state or by-law of the city relative to the sale of intoxicating liquors, any provision of any ordinance of any city to the contrary notwithstanding.

Whose duty to complain of illegal liquor selling.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19th 1895.

H. F. No. 355.

CHAPTER 51.

To amend Sec. 53 Chap. 10 G. S. 1878.

An act to amend section fifty-three (53) of chapter ten (10) of the general statutes of eighteen seventy-eight (1878), relating to the powers and duties of town supervisors, and authorizing them to license and regulate billiard, pool and pigeon-hole tables and bowling alleys.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section fifty-three (53) of chapter ten (10) of the general statutes of eighteen hundred and seventy-eight (1878) be amended to read as follows:

Powers and duties of town supervisors—billiards and other games.

Section 53. Powers and duties of supervisors.—The supervisors shall have charge of such affairs of the town as are not committed to other town officers; and they shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all moneys raised by the town to be disbursed for any other purpose; and to prevent or license and regulate the keeping of billiard tables, pool tables, pigeon-hole tables, and bowling alleys, and in all

such cases they may fix the price of said license and prescribe the term of the continuance of the same and may revoke the same or refuse to issue such license when, in their opinion, the good order or the public interests of the township require it. And any person who shall keep or maintain such billiard, pool, or pigeon-hole table or bowling alley without such license shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars or by imprisonment in the county jail for not more than thirty (30) days.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23rd 1895.

CHAPTER 52.

S. F. No. 461.

An act to amend section 38 chapter 34, of the general statutes 1878, relating to actions to recover land, and damages, on failure of railroad companies to pay compensation for the taking thereof.

To amend Sec. 38 Chap. 34 G. S. 1878.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section thirty-eight of chapter thirty-four of the general statutes of eighteen hundred and seventy-eight be and the same is hereby amended so as to read as follows:

"The action given by this act shall in all other respects, except as herein provided, be governed by the same rules of practice and procedure as to new trials and appeals or otherwise, as other actions brought for the recovery of real estate under the laws of this state; *provided*, that sections eleven and twelve of chapter seventy-five of general statutes of eighteen hundred and seventy-eight, relating to second trials in actions to recover real property, shall not apply to the action herein provided for, but this proviso shall not apply to any action now pending or any action in which the time for demanding a second trial has not expired.

Recovery of land and damages from railroads.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13th 1895.

S. F. No. 18.

CHAPTER 53.

To amend Sec. 41 Chap. 145 G. S. 1885.

An act to amend section forty-one of chapter one hundred and forty-five of the general statutes of one thousand eight hundred and eighty-five relating to the incorporation of villages.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section forty-one of chapter one hundred and forty-five of the general statutes of one thousand eight hundred and eighty-five shall be amended so as to read as follows:

Powers of village justices of the peace and constables—duties.

Sec. 41. The justices of the peace and constables of said village shall have and may exercise, in addition to the powers and authority herein specially granted to such officers, all the powers, authority and jurisdiction in any case possessed by a justice of the peace or a constable elected in the county or counties in which such village is situated.

They shall take the same oath of office as is now required of township justices of the peace and constables and shall before entering upon the discharge of their duties as such officer severally execute a bond to said village in its corporate name in the penal sum of not less than five hundred dollars ($500.00) or such larger sum as the village council of said village may direct, with one or more sufficient sureties to be approved by the president or recorder of said village, conditioned for the faithful discharge of his duties as such officer.

Said president or recorder shall, if such bond is approved, indorse his approval thereon, and the recorder of said village shall certify thereon that the penal sum named in such bond is in accordance with the requirements of said village council.

Said recorder shall file the bonds of such constables in his office for the benefit of any person aggrieved by acts or omissions of said constables and any person so aggrieved or the said village may maintain an action on said bond against said constables and sureties.

The said justices of the peace shall severally cause their official bonds together with their oaths of office duly certified to be filed with the clerk of the district court of the proper county for the benefit of any persons aggrieved by the acts of said justices and any person so aggrieved may maintain an action on said bonds in his own name against said justices and the sureties.

The said officers shall receive the same fees for their services as justices of the peace and constables, elected

elsewhere in this state, are allowed under the general statutes of the state now or hereafter in force:

And in all cases where a village is situated in more than one county the justices of the peace and constable of such village shall have and possess all the powers and jurisdiction conferred by this act in each of the counties in which such village is situated and shall file their bonds in each of said counties.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9th, 1895.

CHAPTER 54.

H. F. No. 98.

An act to amend chapter thirteen (13) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by chapter twenty-three (23) section one (1) of the general laws of eighteen hundred and eighty-one (1881) and to repeal certain provisions of said chapter thirteen (13), relating to roads, cartways and bridges, and to repeal certain provisions thereof.

Amendment relating to roads, cartways and bridges.

95 C 54
71-M - 42
78-M - 31
80-NW 836

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section sixty-two (62) of chapter thirteen (13) of the general statutes of eighteen hundred and seventy eight (1878), as amended by chapter twenty-three (23), section one (1), of the general laws of eighteen hundred and eighty-one (1881), is hereby amended so as to read as follows, viz:

"Sec. 62. Any person who shall feel himself aggrieved by any determination or award of damages made by the supervisors of any town or towns or by the commissioners of any county, either in laying out, altering or discontinuing, or in refusing to lay out, alter or discontinue any highway or cartway, or any taxpayer or legal voter of any county through which such road or highway or any part thereof, which is to be laid out, altered, changed or vacated may or shall pass, may within thirty days after the filing of such determination or award of damages, appeal to the district court of the county from such determination or award of damages by filing in the office of the clerk of the court of such county a bond in the sum of not less than two hundred and fifty (250) dollars with good and sufficient sureties to be approved by the judge of such district court or the county commissioners or the county auditor of the county conditioned to pay all costs arising

Appeal from award of supervisors.

from such appeal in case the determination of the supervisors or county commissioners, as the case may be shall be sustained, and by the service of a written notice on the chairman of the board of supervisors or county commissioners as the case may be, signed by the party taking the appeal or his attorney. A copy of such notice shall be filed in the office of the county auditor of such county and also in the office of the town clerk of each town in which such highway or cartway proposed to be laid out, altered or discontinued may be situated.

Notice—grounds of appeal.

Such notice shall briefly state the grounds on which such appeal is taken, and whether it is brought in relation to damages assessed or in relation to laying out, altering or discontinuing or refusal to lay out, alter or discontinue any highway or whether it is brought to reverse entirely the decisions of the board of supervisors or board of county commissioners or any part thereof, if the latter, what part, and all matters referred to in the notice of appeal.

Jury trial.

Unless the parties otherwise agree the matters in such appeal shall be tried before a jury as other actions in said court are tried, and the court or jury, as the case may be, shall re-assess the damages, unless the determination of the matters tried in said court shall render such re-assessment unnecessary, but the rule for re-assessing damages and determining the matters involved in such appeal shall be based upon the same principles as the supervisors or county commissioners were required to adopt in originally determining the same; and upon final judgment being rendered therein, the clerk of said district court shall file a certified transcript in the office of the county auditor of such county if the appeal was taken from the action of the county commissioners, and in the office of the town clerks of all towns affected by such determination if the appeal was taken from the action of any board of supervisors. If the determination of the board of supervisors or commissioners appealed from be affirmed, or if the amount of damages allowed be reduced in said district court, the party appealing shall pay all costs and disbursements incurred in said district court; but if the amount of damages allowed be increased, or if such determination shall be altered, modified or reversed in said court, otherwise than as to the amount of damages, such costs and disbursements shall be paid by the town or county, as the case may be, such costs and disbursements to be taxed and adjusted as in other cases in said court, and judgment entered therefor in like manner. Such appeal shall be entered upon the calendar of said district court

for trial, at the next general term thereof occurring more than twenty days after the appeal is perfected.

SEC. 2. Sections fifty-nine (59) sixty (60) and sixty-one (61) of said chapter thirteen (13), of the general statutes of Minnesota of eighteen hundred and seventy-eight (1878), are hereby repealed. Laws repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved Feb. 19th, 1895.

CHAPTER 55.

H. F. No. 46.

An act to amend section forty-nine hundred and sixty-six (4966) of the general statutes of eighteen hundred and ninety-four (1894) being section twelve (12) of chapter sixty-five (65) of the general statutes of eighteen hundred and seventy-eight (1878), relating to the requisites of summons issued by justices of the peace. To amend Sec. 4966 G. S. 1894.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section forty-nine hundred and sixty-six (4966) of the general statutes of eighteen hundred and ninety-four (1894) being section twelve (12) of chapter sixty-five (65) of the general statutes of eighteen hundred and seventy-eight (1878) be amended so as to read as follows:

Summons in justice court.

Every summons or process issued by a justice of the peace shall run in the name of the State of Minnesota, be dated on the day it is issued, be signed by the justice issuing the same, be directed to the sheriff or constable of the proper county commanding the officer to summon the defendant to appear before such justice at the time and place expressed in such summons not less than six (6) nor more than twenty (20) days from the date thereof to answer to the complaint in a civil action, contain a statement of the amount claimed by the plaintiff, be entirely filled and have no blank, either in date or otherwise, at the time of its delivery to an officer to be served. Every summons which is issued and delivered to an officer that does not comply with the provisions of this act shall be void, and the justice shall not acquire jurisdiction of the person or thing by service thereof.

SEC. 2. All acts or parts of acts, inconsistent with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 25th, 1895.

H. F. No. 648.

CHAPTER 56.

To amend Chap. 36 G. L. 1871.

An act to amend chapter thirty-six (36) of the general laws of Minnesota for eighteen hundred and seventy-one, (1871) entitled, "An act giving the consent of the state of Minnesota to the purchase by the United States of land within this state for public purposes."

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Section one (1) of chapter thirty-six (36) of the general laws of Minnesota for eighteen hundred and seventy-one (1871) be and the same is hereby amended so as to read as follows, to-wit:

Authorising the government to purchase lands.

"Section 1. That the consent of the state of Minnesota be, and the same is hereby given, to the purchase by the government of the United States, or under the authority of the same, of any tract, piece, or parcel of land from any individual, individuals, or bodies politic or corporate, within the boundaries or limits of the state, for the purpose of erecting thereon lighthouses, signal stations, and other needful public buildings whatever pertaining to the lighthouse board, or for use in river or harbor improvements, and all deeds, conveyances or like papers for the same, shall be recorded as in other cases, upon the land records of the county in which the land so conveyed may lie, and in like manner may be recorded a sufficient description by metes, and bounds, courses and distances of any tract or tracts, legal division of any public lands belonging to the United States, which may be set apart by the general government for any or either of the purposes before mentioned, by an order, patent, or other official document or papers so describing such land; the consent herein and hereby given being in accordance with the seventeenth (17th) clause of the eighth (8th) section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th 1895.

CHAPTER 57.

H. F. No. 649.

An act to amend chapter thirty-seven (37) of the general laws of Minnesota for the year eighteen hundred and seventy-four (1874) entitled, "An act to authorize the seizure and condemnation of lands to be used by the United States for river and harbor improvements and for lighthouse purposes."

To amend Sec. 14 Chap. 37 G. L. 1874.

95 c 57
03 - 239

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section fourteen (14) of chapter thirty-seven (37) of the general laws of Minnesota for one thousand eight hundred and seventy-four (1874), entitled "An act to authorize the seizure and condemnation of lands to be used by the United States for river and harbor improvements and for lighthouse purposes," be and the same is hereby amended so as the read as follows, to wit:

State jurisdiction over certain lands ceded to U. S.

"The jurisdiction of this state is hereby ceded to the United States of America over all such pieces or parcels of land as shall be hereafter conveyed to the United States for the purpose of erecting lighthouse buildings thereon, or for the purpose of erecting permanent buildings or permanent structures of any character for use in river or harbor improvements, whether such land be secured by the United States under the provisions of this act, or by purchase or otherwise; *provided*, that this cession is upon the express condition that the State of Minnesota shall so far retain a concurrent jurisdiction with the United States in and over the tracts of land aforesaid, that all civil and criminal process issued under the authority of the state or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceeded as aforesaid."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th 1895.

S. F. No. 616.

CHAPTER 58.

To amend Sec. 10 Chap. 83 G. L. 1875.

An act to amend section ten of chapter 83 of the general laws of 1875 entitled "An act authorizing the formation of town insurance companies."

Be it enacted by the Legislature of the state of Minnesota:

Town insurance companies —scope.

SECTION 1. That section ten of chapter 83 of the session laws of one thousand eight hundred seventy-five, entitled an act authorizing the formation of town insurance companies be and the same is hereby amended so as to read as follows:

Sec. 10. No company formed under this act shall insure any property out of the limits of the town or towns in which the said company is authorized to do business, nor shall they insure any property other than detached dwellings and their contents, and farm buildings and their contents, and live stock while on their premises or running at large, and hay and grain in the bin or stack, nor shall they insure any property within the limits of any incorporated city in the state, *provided*, however, that when the dwelling house of any person insured is within the limits of the town where such company is authorized to do business but where the farm of such person upon which such dwelling house is situated lies partly within the limits of the town where such company is located or authorized to act, and partly within some other town outside such limits, then and in such case any such company may include in its policy insuring such dwelling house and other farm property, any outbuilding, hay, grain stock or other property on such farm outside said limits the same as if such property was within the limits in which such company is authorized to do business.

SEC. 2. This act shall take effect and be in force on and after its passage.

Approved April 25th 1895.

H. F. No. 283.

CHAPTER 59.

To amend Sec. 1 Chap. 97 G. L. 1879.

An act to amend section one (1) of chapter ninety-seventy (97) of the general laws of the year eighteen hundred seventy-nine (1879), relating to highways.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter ninety-seven (97) of the general laws of eighteen hundred sev-

enty-nine (1879) be and the same is hereby amended so as to read as follows:

Section 1. That any person living upon or owning land fronting on any of the public highways of this state, may for the purpose of seeding the same down to grass, plow and level the said highways for said purpose, and seed the same to grass to within one (1) rod of the center of the same. *Provided*, that nothing herein contained shall be construed to authorize the said parties to work upon the same to the hindrance or detriment of the travel upon said roads or to authorize any compensation for the same. *Provided further* that no person shall acquire any title to any portion of such highway by such use or occupancy thereof.

Seeding highways.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th 1895.

CHAPTER 60.

S. F. No. 460.

An act to amend section 5 of chapter 77 of the general laws of 1879 relating to actions to determine the validity of condemnation proceedings.

To amend Sec. 5 Chap. 77 G. L. 1879.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section five of chapter seventy-seven (77) of the general laws of eighteen hundred and seventy-nine be and the same is hereby amended so as to read as follows:

The action given by this act shall in all respects, except as herein otherwise provided, be governed by the same rules, practice and procedure as to service of summons, new trials, appeals, or otherwise as other actions brought to determine conflicting claims to real property under the laws of this state; *provided*, that sections 11 and 12 of chapter 75 of the general statutes of eighteen hundred and seventy-eight relating to second trials in actions to recover real property, shall not apply to the action herein provided for, but this proviso shall not apply to any action now pending or any action in which the time for demanding a second trial has not expired."

Effect to be given.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13th 1895.

H. F. No. 280.

CHAPTER 61.

Amendment—Terms—fourth district.

An act to amend section fifty-nine (59) of chapter sixty-four (64) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by chapter sixty-six (66) of the general laws of eighteen hundred and eighty-one (1881) relating to terms of court in the fourth judicial district.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the fourth (4) subdivision of section fifty-nine (59) of chapter sixty-four (64) of the general statutes of one thousand eight hundred seventy-eight (1878) as amended by chapter sixty-six (66) of the general laws of eighteen hundred and eighty-one (1881) be and the same is hereby amended so as to read as follows:

Isanti county. In the county of Isanti on the fourth (4th) Monday in September, provided the petit jury required to appear at any term of such court shall be summoned to appear on the second (2nd) day of such term.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1895.

S. F. No. 650.

CHAPTER 62.

To amend Sec. 210 Title 13 Chap. 66 G. S. 1878 as amended by Chap. 13 G. L. 1881.

An act to amend section two hundred and ten (210) of title thirteen (13) of chapter sixty-six (66) of general statutes one thousand eight hundred and seventy-eight (1878) relative to security where judgment is entered by default, as amended by chapter thirteen (13) of general laws of eighteen hundred and eighty-one (1881).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision "third" of section two hundred and ten (210) of title thirteen (13) of chapter sixty-six (66) of general statutes one thousand eight hundred and seventy-eight (1878), as amended by chapter thirteen (13) of general laws of eighteen hundred and eighty-one (1881) is hereby amended so that the proviso added to the end thereof by the said chapter thir-

teen (13) of general laws of eighteen hundred and eighty-one (1881) shall read as follows:

"*Provided further* that in all actions involving the title to or brought to quiet the title to real estate or to foreclose mortgages of real estate—judgment may be entered without filing the security above provided."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 63.

S. F. No. 113.

An act to amend section six (6) chapter one hundred fifty-one (151), general laws (1881) and to appropriate money from the revenue fund in lieu of the tax levy provided for in said section.

To amend Sec. 6 Chap. 151 G. L. 1881.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Section six (6) chapter one hundred fifty-one (151) general laws 1881 providing for a tax levy of one-tenth (1-10) of one mill to carry out the provisions of the forestry bounty is hereby amended so as to read as follows:

Sec. 6. "For the purpose of paying the compensation provided for in this act the sum of twenty thousand (20,000) dollars is hereby annually appropriated from the revenue fund."

Revenue fund.

SEC. 2. The unexpended money in the state treasury to the credit of the forestry fund on July thirty-first eighteen hundred and ninety-five, shall be transferred to the revenue fund and all payments made thereafter, arising from said tax levy, hereby repealed, shall be credited to the revenue fund.

SEC. 3. This act shall take effect and be in force on and after July 31st, 1895.

Approved March 5th 1895.

S. F. No. 697.

CHAPTER 64.

Amendment—legislative manual.

An act to amend chapter 122, general laws 1893, entitled "An act to amend chapter 242, general laws 1889, entitled an act to amend chapter 115 of the general laws of 1881, entitled an act to provide for the publication of a legislative manual."

95 C 64
01 - 133

Be it enacted by the Legislature of the state of Minnesota:

Number of copies.

SECTION 1. That section six (6) of chapter one hundred and twenty-two (122), general laws of eighteen hundred and ninety-three (1893), entitled An act to amend chapter two hundred and forty-two (242), general laws of eighteen hundred and eighty-nine (1889), entitled An act to amend chapter one hundred and fifteen (115) of the general laws of eighteen hundred and eighty-one (1881), entitled An act to provide for the publication of a legislative manual, be and the same is hereby amended to read as follows:

How distributed.

Sec. 6. The secretary of state shall, under the contract of the state printer, and upon as favorable terms as he can secure for the state, cause four thousand (4,000) copies of the Legislative Manual to be published in addition to the number already published for the year one thousand eight hundred and ninety-five, and ten thousand (10,000) copies biennially thereafter, to be distributed as follows:

Fifty copies to each member of the Legislature.

Fifty copies to State Historical Society for exchange with other states.

Five copies to State University.

Three copies to State Library.

Two copies to Congressional Library at Washington.

Two copies to Soldiers' Home.

Two copies to each free public library in this state.

Two copies to each public college, seminary or academy in this state.

Two copies to each state normal school.

Two copies to each state high school.

One copy to each state institution not herein provided for.

One copy to each elective state officer.

One copy to each appointed state officer who is the head of any department.

One copy to each officer and employe of the house and senate.

One copy to each supreme and district court judge.

One copy to each United States senator and member of congress from this state.

Two hundred and seventy-five copies to remain in the office of the secretary of state for distribution among the members of the next succeeding legislature.

The remaining copies shall be held in the office of the secretary of state for distribution as he may deem best.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

CHAPTER 65.

S. F. No. 269.

An act to amend section sixty-one (61) of chapter thirty-six (36) of the general statutes of 1878 as amended by section eight (8) of chapter forty-one (41) of the general laws of Minnesota for 1881 relating to the compensation of county superintendents of schools.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section sixty-one (61) of chapter thirty-six (36) of the general statutes of 1878 as amended by section eight (8) of chapter forty-one (41) of the general laws of Minnesota for 1881 be and the same hereby is amended so as to read as follows:

Compensation of county superintendent of schools—how fixed and paid.

The compensation of county superintendents of schools shall be fixed by the board of county commissioners and paid in the same manner as the salaries of other county officers are paid.

Such compensation shall not be less than at the rate of ten dollars for each organized district in the county, to be reckoned pro rata for the year from the time of the commencement of the first school in the district, and may be any higher sum that the board of county commissioners shall determine, not exceeding eighteen hundred dollars per annum.

County superintendents of schools shall be furnished by county auditors, at the expense of the county, with stationery needed in the examination of teachers, and for official correspondence.

The county shall also pay itemized and attested bills for postage incurred in official correspondence and in forwarding official documents to teachers, clerks and to the state superintendent of public instruction, and also express charges on packages sent by this officer for use in the county.

Such bills for printing notices, circulars, lists of questions and annual reports, as the county superintendent may deem necessary, shall also be paid by the county;

Provided, that county superintendents shall, on the first day of July, October, January and April in each year, file with the county auditors a statement of the number of schools visited within the preceding quarter, which statement shall contain the numbers of the districts, the dates of the visitation, and shall be verified by oath or affirmation.

Supplies.

Provided further That the provisions of this act relating to the furnishing to county superintendents at the expense of the county of stationery needed in the examination of teachers, and for official correspondence, and the provisions hereof requiring the payment by the county of itemized and attested bills for postage incurred in official correspondence and in forwarding official documents to teachers, clerks and to the state superintendent of public instruction and express charges on packages sent by that officer to the county superintendent, shall be applied to, and be in force in each and every county in this state, any special law or any part of any special law relating to the salaries of county superintendents of schools or county officers to the contrary notwithstanding.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

H. F. No. 175.

CHAPTER 66.

Amendment of insolvency act.

An act to amend chapter one hundred and forty-eight (148) of the general laws of the State of Minnesota for the year eighteen hundred and eighty-one (1881) being an act entitled; "An act to prevent debtors from giving preference to creditors and to secure the equal distribution of the property of debtors among their creditors and for the release of debts against debtors;" and the acts amendatory thereof.

95 C 66
73-M - 310
78-M - 406
83-NW 135

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of the act entitled "An act to prevent debtors from giving preference to creditors and to secure the equal distribution of the property of debtors among their creditors; and for the release of debts against debtors," as amended by section one (1) of chapter seventy-three laws of eighteen hundred and eighty-five (1885) and section one (1) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889) be amended so as to read as follows;

Whenever any debtor shall have become insolvent, or garnishment shall have been made against any debtor or property of any debtor shall have been levied upon by virtue of an attachment, execution or legal process issued against him for collection of money, he may make an assignment of all his unexempt property for the equal benefit of all his bona fide creditors who shall file releases of their demands against such debtor, as herein provided. Such an assignment shall be made, acknowledged and filed in accordance with and be governed by the laws of this state relating to assignments by debtors for the benefit of creditors, except as herein otherwise provided; and such assignment, if made within ten (10) days after garnishment shall have been made against the assignor, or within ten (10) days after property of such assignor shall have been levied upon by virtue of an attachment, execution or other legal process against him for collection of money as aforesaid, shall operate to vacate every garnishment and levy then pending, and to discharge all property therefrom, upon qualification of the assignee or his successor, as provided by law, unless he shall, within five (5) days thereafter, file in the the office of clerk of the court where such assignment was filed, notice to retain all pending garnishments and levies; in which case the same shall inure to the benefit of the creditors, under such assignment, and may be prosecuted by such assignee and his successors;

Provided that the release of any debtor under this act shall not operate to discharge any other party liable as surety, guarantor or otherwise for the same debt.

SEC. 2. That section six (6) of said chapter one hundred and forty-eight (148) laws of eighteen hundred and eighty-one (1881), as amended by section five (5) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889) be amended by adding thereto, the following: "And on removal of an assignee or receiver under this act, reasonable attorney's fees and costs shall be allowed and the same shall be a preferred claim against said insolvent estate.

Attorneys fees and costs.

SEC. 3. That section three (3) of chapter one hundred and forty-eight (148) laws of eighteen hundred and eighty-one (1881) be amended by adding thereto at the end of such section the following; "and the court may require such debtor to deliver to the assignee or receiver any property which he appears to have failed to deliver and should have delivered; and in case of the failure of the debtor to obey any order of the court, the court may punish said debtor for such failure by fine or imprisonment or either in its discretion."

Delivery of property to assignee or receiver.

Amending Sec. 10 Chap. 148 G. L. 1881.

SEC. 4. That section ten (10) of chapter one hundred and forty-eight (148), laws of eighteen hundred and eighty-one (1881), as amended by section seven (7) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889), be amended by adding thereto immediately after the words "defraud his creditors" and before he words "then the court or judge shall require" the fol-t lowing; "or if within six (6) months prior to the making of the assignment or the appointment of a receiver by the court, the insolvent shall have induced the giving of credit by intentionally misrepresenting the actual value of his assets or the amount of his liabilities or by misrepresenting the condition of his business" and said section is further amended by adding thereto at the end thereof, the following; "and *provided further* that the release hereby required to be executed may be executed by the original holder of the demand, or by any one who has become the owner thereof at any time subsequent to the making of the assignment, or the appointment of a receiver by the court."

20 day limit to file claims stricken out.

SEC. 5. That section eleven (11) of said chapter one hundred and forty-eight (148) laws eighteen hundred and eighty-one (1881) be amended by striking out at the end of such section, the words "twenty days after such publication," and inserting in lieu thereof, the following: "Such time as the court shall by order provide, which time may be for cause extended."

95 C 66 §6
81-NW 210

Amends Sec. 8 Chap. 30 G. L. 1889.

SEC. 6. That section eight (8) of chapter thirty (30) laws of eighteen hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows; "in all assignments and receivership proceedings under this act, the court or a referee appointed by the court for that purpose, shall determine specifically and allow the reasonable value of the services performed by the assignee or receiver and of his attorney. Said assignee or receiver shall in all cases be entitled to the services of an attorney who may, in addition to the services usually performed by the attorney, prepare the deed of assignment and aid in the preparation of the schedules of debt and assets."

SEC. 7. This act shall take effect from and after its passage.

Approved April 13th 1895.

CHAPTER 67.

S. F. No. 656.

An act to amend chapter 148 of the general laws of one thousand eight hundred and eighty-one, entitled "An act to prevent debtors from giving preference to creditors and to secure the equal distribution of property of debtors among their creditors and for the release of debts against debtors" and all acts amendatory thereof relating to insolvency.

95 C 67
78-M - 256
78-M - 412
80-NW1121

Be it enacted by the Legislature of the state of Minnesota:

State bankruptcy act.

SECTION 1. Said chapter 148 of the general laws of the state of Minnesota, of 1881, and all acts amendatory thereof are hereby amended by adding at the end thereof the following sections to-wit:

Sec. 14. Whenever an insolvent debtor who has made or shall hereafter make, an assignment of all his property and estate not exempt by law, under and pursuant to chapter 148 of general laws of Minnesota of 1881, or for whom a receiver has been appointed under said law shall desire to have determined and set apart to him his property which is exempt by law and shall desire, instead of receiving the discharge provided for in section 10 of said chapter 148, receive the discharge and release hereinafter provided for in the said assignment provided notwithstanding the terms of said deed of assignment.

Absolute discharge—when.

Such exempt property may be determined and described and set apart to such insolvent. and such insolvent debtor may be discharged and released from his debts, as a part of the proceedings under such assignment, or in said insolvency, proceedings, upon compliance with the provisions of this act.

Affidavit.

Sec. 15. Such insolvent debtor who shall desire to be discharged from his debts shall, at any time before the distribution of said insolvents estate, present to the district court, in which said assignment proceedings are pending, his application for such discharge and determination of exempt property, in which application he shall state the date of the filing of such assignment in the clerk's office where the same was filed, or the date of the order appointing a receiver of his property under said act, and the name and postoffice address of the assignee named in such assignment, or the receiver or receivers appointed by the court.

Said insolvent debtor shall sign said application, and annex thereto an affidavit subscribed and sworn to by him, substantially in the following form:

Form.

STATE OF MINNESOTA }
} ss.
County of ———————— }

I———————— do solemnly swear (or affirm) that I have read (or heard read) the foregoing application signed by me; that the same is true of my own knowledge; that the inventory of my estate and the list of my creditors, filed in the office of the clerk of the district court, for the county of ————, as a part of my assignment, or in the insolvency proceeding against, are as accurate and complete statements of all my property except such as is exempt from sale on execution by the laws of this state and of my creditors as I can make; that I have not within six years in any manner whatsoever disposed of or made over any part of my estate for the future benefit of myself or of my family, or in order to defraud any of my creditors, and that I have in no instance created or acknowledged a debt for a greater sum than I honestly or truly owed and that I have not paid secured to be paid, nor in any way compounded with any of my creditors with a view to fraudulently obtain the discharge prayed for in the foregoing application."

Application—hearing.

Sec. 16. Upon the filing of such application in said court and the presentation thereof to a judge of said court, such court, or judge, shall make an order which shall be entitled in the matter of such assignment or insolvency proceeding, directing the issuance out of said court, and under the seal thereof, of an order to show cause and citation, requiring all the creditors of said insolvent debtor to show cause, if any they have, why said insolvent debtor should not be discharged from his debts. Such order and citation shall refer to said assignment or insolvency proceeding, and shall fix a date in the same, or the next ensuing term, or any special term of said court for a hearing thereof at the court house, or at the chambers of said judge, designating the place thereof. Such order and citation shall be served upon the creditors of said insolvent in the same manner as is now provided by law for the service of summons upon defendants, or in such manner as said court may determine in its said order.

Term in.

Proceedings upon hearing.

Sec. 17. On the day fixed in such order and citation, or at any subsequent day or time that such judge or court may appoint, such judge or court shall hear the proofs and allegations of the parties, and before any other proceedings be had, shall require proof of the service of said order and citation as in said order required. On the hearing of such application, such application shall be regarded as a complaint, and any creditor of said

insolvent debtor who may desire to object to the discharge of said insolvent debtor may file in the office of the clerk of said court, and present on such hearing his answer to such application, duly verified in the manner that pleadings are required to be verified, setting forth the grounds of his objection to such discharge.

Creditors first heard.

Sec. 18. Every creditor opposing the discharge of an insolvent debtor may, at the time appointed for the first hearing, demand of the court, or such judge, that the case of such insolvent debtor, be heard and tried by a jury, and shall be entitled to an order to that effect; and in all cases ordered to be tried by a jury under the provisions of this section such trial shall be had in the county where such insolvent proceedings are pending, and at the term of said court then pending, if a term of such court be then pending, and if not then at the next succeeding term of said court, and shall be tried as other civil cases are tried, but if no demand be made for a jury trial, said court or judge shall hear, determine and try said matter at the pending term of said court or at the succeeding special term thereof unless said hearing shall be adjourned to a time fixed by said court upon proper cause shown.

Jury.

Sec. 19. Such jury having heard the proofs and allegations of the parties, shall determine the matter submitted to them unless they are discharged by said court for failure to agree.

To be tried by court if jury fail to agree.

Sec. 20. There shall be but one hearing before a jury, unless a retrial is granted, and if such jury cannot agree, after being left together for a reasonable time, they shall be discharged, and such court or judge shall decide the merits of such application and objections in the same manner as if no jury had been called, upon the evidence introduced, and such determination shall also determine and describe the property of said insolvent debtor which is exempt by law.

Insolvent debtors examined.

Sec. 21. At the hearing on any such application before a jury or otherwise, the insolvent debtor may be examined on oath at the instance of any creditor, touching his estate or debts, or as to any matter stated in his application, and any such creditor may contradict or impeach by other competent evidence any testimony given by such insolvent debtor.

Who are parties.

Sec. 22. Every creditor of such insolvent debtor, whether residing within or without this state, who shall file, or shall have filed an affidavit, or make, or made other proof of his claim against such insolvent debtor, or who shall accept or receive any dividend from the assignee or receiver of such insolvent debtor or out of the estate of such insolvent debtor or insolv-

ency proceedings, shall be deemed to be a party to such proceedings for a discharge of such insolvent debtor from his debts, and to the determination of his property exempt by law; and the filing of such affidavit and the making of such proof of claim, or the receiving such dividend, or participation in such proceedings, or the service within this state of said order and citation in accordance with the order of said court shall be deemed to be, and is declared to be, an appearance in the matter of such assignment and application for discharge, and to confer jurisdiction upon said court to make such order and determination.

And the order and discharge, made and granted by said court, or judge shall be final and binding upon all the creditors of said insolvent debtor, who shall have filed an affidavit of their claims, or make other proof of the indebtedness of such insolvent debtor, or received such dividend, or participated in such proceedings, or who have been served with said processes within this state subject to the right of such creditor to appeal from any order, decision or judgment made or entered in such proceedings in the manner provided by law.

Sec. 23. If it shall appear upon the hearing, or trial, that such insolvent debtor has in good faith made such assignment or turned over his property to such assignee or receiver, and has in all respects complied with the laws of the state in relation thereto, and with this act, such court, or judge, shall grant such insolvent debtor a discharge from his debts, which shall have the effect declared in this act, and shall determine and describe in said order, and set apart to such insolvent the property and effects of said insolvent which are exempt by law of this state.

Decree of discharge.

Sec. 24. Upon the granting of such discharge by said court or judge, the clerk of said court shall immediately enter judgment, in the judgment docket of said court against the insolvent debtor, and in favour of each of his creditors who appears by the list of creditors filed with any assignment, of such insolvent debtor, or in said insolvency proceeding, to be a resident of this state, and in favour of each of the creditors of said insolvent debtor whose residence appears from the said list to be out of said state, and who has proved his claim against said insolvent debtor under such assignment or in said insolvency proceeding, or who has appeared in the proceedings under such assignment or receiver, or has received any dividend from the assignee or receiver of such insolvent debtor, or out of the estate of such insolvent debtor, or in any way participated in the pro-

Judgment.

ceedings under such assignment or receivership, or who has appeared in the proceedings for such discharge, for the sum respectively appearing or shown to be due to him, and allowed to him in the proceedings under such assignment or receivership; and shall also enter a satisfaction and discharge thereof upon such docket by order of said court, which shall discharge said insolvent debtor from all personal liability in favour of such of his creditors as shall reside in this state and such of his creditors as reside out of this state who have proved their claims against said insolvent debtor in the proceedings on such assignment or in said insolvency proceeding, or who have received any dividend from the assignee of such insolvent debtor, or out of the estate of such insolvent debtor, or in any way participated in the proceedings, or who have appeared in said proceedings for such discharge, and from personal liability upon any judgment theretofore entered and docketed since the filing of said deed of assignment, in favour of any of said creditors against said insolvent upon the same claim or demand.

Upon the entering of said judgments, and the discharge and satisfaction thereof, as herein provided, all said creditors, in favour of whom said judgment was entered and satisfied, may, by said order of said court, receive the benefits of said assignment, and receive a pro rata share of the proceeds thereof.

Decree a bar to future actions.

Sec. 25. In any action which may be brought against such insolvent debtor a discharge granted under this act may be pleaded, and shall constitute a bar to the recovery against him for or on account of any indebtedness or liability of his found to be due in said proceedings, and included in said judgment so entered and discharged as above provided.

Appeals.

Sec. 26. Appeals may be taken to the supreme court by such insolvent debtor, or by any creditor, from any order or judgment made or entered in such proceeding by such judge, or court, within the same time and in the same manner as appeals in ordinary civil actions; and whenever necessary, bills of exception, or a case may be settled, as in the ordinary appeals in civil actions.

Effect of this act.

Sec. 27. This act shall not be construed to change nor to prohibit the proceedings and discharge of the insolvent provided for in said chapter 148, general laws of 1881, nor to repeal the same, nor in any way to affect such proceedings, but shall be held and construed to furnish and provide an additional remedy and relief only upon compliance of said insolvent with the provisions

of this act, initiated by the petition or application of of said insolvent as aforesaid.

SEC. 3. This act shall take effect, and be in force from and after its passage.

Approved April 24th, 1895.

H. F. No. 566.

CHAPTER 68.

To amend Chap. 42 G. L. 1865.

An act to amend chapter forty-two (42) of the general laws of eighteen hundred and sixty-five (1865) relating to the duties of the adjutant general of the state.

Be it enacted by the Legislature of the state of Minnesota:

First Minnesota Infantry Regimental Bonds.

SECTION 1. That chapter forty-two (42) of the general laws of eighteen hundred and sixty-five be amended by adding thereto a section to read as follows:

It is hereby made the duty of the adjutant general of this state to demand and receive from David Wills of Gettysburg, Pennsylvania, the sum of two hundred (200) dollars (and any accumulated interest thereon) placed in his hands by Gov. Miller of this state, as the balance of the regimental fund of the old First Minnesota regiment, the interest of which was to be used by said David Wills in maintaining a vase of flowers on the graves of the members of said regiment in the Gettysburg national cemetery. The adjutant general, upon the receipt of said funds, shall at once turn the same into the hands of the state treasurer to be by said treasurer invested in bonds to be known as the First Minnesota infantry regiment bonds, and the interest thereon to be annually drawn by the adjutant general of this state and applied in caring for the vase in said national cemetary and the monuments erected by this state upon the Gettysburg battlefield in memory of the action of said First Minnesota regiment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 69.

S. F. No. 647.

An act to amend section twenty-nine (29) of chapter one hundred thirty-two (132) of the general laws of eighteen hundred eighty-three (1883) as amended relating to the control of infectious diseases.

To amend Sec. 29 Chap. 132 G. L. 1883.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section twenty-nine (29) of chapter one hundred thirty-two (132) of the general laws of eighteen hundred eighty-three (1883) as amended, be and the same is hereby amended so as to read as follows:

Taxing for expenses in controlling epidemic.

Sec. 29. It shall be the duty of the chairman of any town, village, or city board of health which has incurred expenses for the control of infectious or contagious diseases in any such town, village or city to file an itemized statement thereof duly verified, under oath with the clerk or recorder of such town, village or city, and thereupon it shall be the duty of the town supervisors, or the council of any city or village to audit and pay the said statement, or so much thereof as they deem just and proper in the same manner as other accounts against such town, village or city are audited and paid. For the purpose of carrying out the provisions of this act, towns, villages and cities are authorized to levy in addition to all taxes now authorized by law, a tax not to exceed one (1) mill on the dollar of taxable property in any one year. *Provided* however that this act shall not apply to any city where provision is now made by law for the payment of such expenses by said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26, 1895.

CHAPTER 70.

S. F. No. 1.

An act to amend chapter seventy-four (74) of the general laws of one thousand eight hundred and eighty-three (1883) entitled the military code, and the several acts amendatory thereof.

Amending military code.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of article one (1) of the general laws of one thousand eight hundred and eighty-three (1883), entitled the Military Code be

Regiment, how divided.

amended by adding to said section one (1) the following words, namely; "Each regiment of infantry shall be divided by the colonel thereof into two (2) battalions of four (4) or five (5) companies each."

SEC. 2. That section two (2) of article one (1) of said code be amended by changing the words "one (1) major" to be "two (2) majors" and by striking out the words "two (2) general guides" after the words "two color sergeants."

General guides.

SEC. 3. That section six (6) of article two (2) of said code be amended so as to read as follows namely: "Every person who shall enlist in the National Guard shall be mustered into the service of the state for the term of three (3) years, and may be at the expiration of his term of service re-enlisted for such additional terms of one (1) year each as his commanding officer may elect.

Three years muster.

SEC. 4. That section one (1) of article four (4) of said code be amended so as to read as follows, namely; Section one (1). "There shall be an annual inspection of the National Guard by the United States army officer detailed for duty with the National Guard, which inspection shall be at such time and place as may be directed by the commander-in-chief.

Annual inspection.

In the absence of such a detail the inspection shall be made by some officer of the National Guard designated by the commander-in-chief."

SEC. 5. That section two (2) of article four (4) of said code be amended by striking out the words "Upton's Tactics" and inserting in lieu thereof the words "The Drill Regulations of the United States Army."

Tactics.

SEC. 6. That section three (3) of article four (4) of said code be amended by changing the words "inspector general" to "inspecting officer."

Inspecting officer.

SEC. 7. That section one (1) of article five (5) of said code be amended by striking out the words "said allowance for horses, however, shall not exceed the additional sum of three hundred (300) dollars per annum for the battery aforesaid" and inserting in lieu thereof the following words, namely: "Said allowance for horses, however, shall not exceed the additional sum of four hundred and fifty (450) dollars per annum for the battery aforesaid."

Allowance for horses.

SEC. 8. That article nine (9) of said military code be amended so as to read as follows, namely;

Section 1. The commander-in-chief shall appoint a board of five (5) officers, who shall examine into and report the most suitable service uniform for the National Guard, and the uniform so reported shall, when approved

Committee on uniform.

by the commander-in-chief, be the service uniform for the National Guard of this state.

Service uniform for National Guard.

Sec. 2. Every organization shall be provided, at the expense of the state, with service uniforms, overcoats and such other clothing and equipage as may be necessary and proper for the performance of the duty required of the National Guard by law.

But no service uniforms, overcoats and such other clothing and equipage as provided by this act shall be issued to or for the use of any organization unless the said organization shall have at least the minimum number of enlisted men prescribed by law.

All such service uniforms, overcoats and such other clothing and equipage shall be issued to the several organizations, companies and batteries each year by the brigade commander in proportion to their respective strength.

Purchase of uniforms.

Sec. 3. The commander-in-chief, the adjutant general, and the brigade commander are hereby appointed commissioners for the purpose of purchasing the service uniforms, overcoats, and such other clothing and equipage as provided in this act for the members of the National Guard.

Bids.

Sec. 4. All proposals for the furnishing of any of the articles provided for in this act shall be publicly advertised in one or more newspapers of general circulation published and printed at the city of St. Paul, Ramsey county Minnesota, and all bids shall be accompanied by sample of the article or articles to be furnished.

No monies shall be paid out to any person so furnishing any of the articles herein provided for until the same have been inspected and approved by the adjutant general and the brigade commander.

Distribution of service uniforms

Sec. 5. The commanding officer of any company and battery who shall have received according to the provisions of this act any fatigue uniforms, overcoats, other clothing and equipage from the state for the use of his command shall distribute the same to his command as he shall deem proper taking vouchers therefor, and he shall require those to whom they are distributed to return them at such time and place as he shall order or direct, and any one who shall neglect or refuse to comply with such order shall forfeit a sum not to exceed double the price of the service uniform, overcoats clothing and equipage he shall have received, to be sued for and collected in the name of the company or battery to which such party shall have been a member, and the sum so recovered shall be forwarded to the state treas-

urer to be by him placed to the credit of the fund for the furnishing of the articles provided for in this act.

Fine for selling or disposing of such uniforms.

Sec. 6. Whoever shall secrete sell dispose of offer for sale, purchase or retain after proper demand made, or in any manner pawn or pledge any fatigue uniform, overcoat, clothing or equipage which shall have been issued under the provisions of this act, and any person not a member of the National Guard, who shall wear any uniform similar to those in use by the National Guard issued under the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not less than one nor more than three months, or by fine of not more than one hundred dollars nor less than fifty dollars, and any member of the National Guard who shall when not on duty wear any such uniform without the permission of his commanding officer shall be subject to a fine of not more than ten dollars which fine shall be forthwith paid into the company or battery treasury, and it is hereby made the duty of any justice of the peace in any city, town or village of this state and of any municipal court upon complaint duly made upon affidavit showing a violation of this section to issue a warrant for the arrest of the offender, and to cause him to be brought before such justice of the peace or municipal court to be dealt with according to law.

Amount to be expended.

Sec. 7. That the total sum to be expended under the provisions of this act for such fatigue uniforms, overcoats, and such other clothing and equipage shall not exceed the sum of ten thousand dollars in any one fiscal year.

Appropriations.

Sec. 8. The sum of ten thousand (10,000) dollars, or so much thereof as may be necessary be and is hereby appropriated out of the general fund for the current fiscal year and annually thereafter for the purpose of carrying out the provisions of this act."

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 2nd, 1895.

CHAPTER 71.

S. F. No. 10.

An act to amend sections one (1) and four (4) of chapter seventy-six (76) of general laws of eighteen hundred and eighty-three (1883) concerning mutilated, lost and destroyed bonds orders and warrants.

To amend Secs. 1 and 4 Chap. 76 G. L. 1883.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter seventy-six (76) of the general laws of eighteen hundred and eighty-three (1883) be and the same is hereby amended by inserting the words "incorporated village, municipality" between the word "city" and the word "township" in the second line of said section.

SEC. 2. That section four (4) of said section seventy-six (76) be and the same is hereby amended by inserting the words "incorporated village, municipality" between the word "city" and the word "township" in the twelfth (12th) line of said section.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 23rd, 1895.

CHAPTER 72.

S. F. No. 546.

An act to amend section thirty (30) of chapter one hundred and forty-five (145) of the general laws of 1885, entitled, An act to provide for the incorporation of villages and to define their duties and powers and to repeal certain laws in relation thereto.

To amend Sec. 30 Chap. 145 G. L. 1885.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section thirty (30) of chapter one hundred and forty-five (145) of the general laws of 1885 be amended so as to read as follows:

Sec. 30. The village council may cause any street or any part of any street to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides of such street or part of street to be improved; or order any sidewalk or gutter on one (1) side of a street to be built, on the petition of a majority of such owners, and may order any sidewalk

Improving village streets.

or gutter previously built to be put in repairs, when necessary, without petition. For the purpose of so improving any street or building, or repairing any sidewalk or gutter, the village council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvements as ordered opposite such property to the center of the street, or such proportion thereof, not less than one-half (½), as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder shall be paid from the village treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the village council may levy an additional tax thereon to make good such deficiency.

Assessments.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

H. F. No. 278.

CHAPTER 73.

To amend Sec. 6 Chap. 187 G. L. 1885.

An act to amend section six (6) of chapter one hundred and eighty-seven (187) of the general laws of one thousand eight hundred and eighty-five (1885), relating to the support of the fire department in cities, towns, villages or other municipal corporations in the state of Minnesota.

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Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six (6) of chapter one hundred and eighty-seven (187) of the general laws of one thousand eight hundred and eighty-five (1885) be and the same is hereby amended so that the same shall read as follows:

Support of fire department.

Section 6. The moneys so paid to any city, town or village, under the provisions of this act, shall be by it set aside as a special fund, and may be appropriated and disbursed in the same manner that other funds belonging to such city, town or village are appropriated or disbursed, but only for the following purposes, viz.: First, (1st) for the support and relief of fireman injured

or disabled while in the discharge of their duties; second (2nd), for the equipment and maintenance of such fire departments.

Provided, that in case there exists or shall exist, a fire department relief association, duly organized or incorporated, in any such city, town or village, said money due said city, town or village as aforesaid, shall be paid to the treasurer of such relief association instead of to the treasurer of said city, town or village. But the secretary and treasurer of such relief association shall prepare annually a report of all the receipts and expenditures of such association for the previous year showing for what purpose the monies have been paid and expended and to whom, which report shall be filed in the office of the town, village or city clerk of the city, town or village in which such association is situated and a duplicate of such report shall also be filed with the state auditor before any monies shall be paid to any city, town or village or any relief association. This proviso shall apply only to cities, villages or towns having a relief association.

Moneys paid to relief association.

And the moneys thus paid to such relief association shall be expended by said relief association for the support and relief of sick, injured or disabled firemen, their widows and orphans, and for such other purposes as may be prescribed by the laws and constitution of said relief association not inconsistent with the purposes of this act. The treasurer of every such relief association before entering upon the duties of his office, shall give a good and sufficient bond to said relief association, conditioned for the faithful discharge of the duties of his office, and for the safe keeping and paying over, according to law, of all moneys which come into his hands as such treasurer.

Provided further, that no such moneys shall be paid to any relief association hereafter organized unless such organization is made with the consent of the council or board of trustees of the city, village or town to which the organization belongs.

And *provided further*, that it shall be the duty of the public examiner, and he is hereby authorized and empowered, when complaint is duly made to him that the money, or any part thereof, paid under the provisions of this act to any of said relief associations, is being expended for other purposes than as aforesaid, to examine the books and financial accounts of such relief association as to the expenditure of said money and if said complaint be found true, to report the same to the governor with his recommendation, and the governor may take such action as the emergency may seem to

demand. Said public examiner is further authorized and empowered, at any time in his discretion, to examine the books and financial accounts of said relief associations as to the expenditure of said money and make a report thereof to the governor with his recommendation.

SEC. 2. This act shall take effect and be in force from and after the first (1st) day of September, one thousand eight hundred and ninety-five.

Approved April 16th, 1895.

S. F. No. 359.

CHAPTER 74.

To amend Sec. 4 Chap. 205 G. L. 1885.

An act to amend section four (4) of chapter two hundred and five (205) of the general laws of eighteen hundred and eighty-five (1885) regulating employment bureaus.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section four (4) of chapter two hundred and five (205) of the general laws of eighteen hundred and eighty-five (1885) be and the same is hereby amended by inserting before the first word "any" of the said section four (4) the following words, to-wit:

Employment bureaus.

"Every person hired or engaged to work for others, by one so licensed, as aforesaid, shall be furnished a written copy in duplicate of the terms of such hire or engagement, rate of wages or compensation, kind of service to be performed, length of time of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person, one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the contracted labor is to be performed, and the other to be retained by the person hired as aforesaid, and"

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

CHAPTER 75.

S. F. No. 370.

An act to amend section twenty (20) of chapter thirty-six (36) of the general statutes A. D. one thousand eight hundred and seventy-eight (1878) as amended by section one (1) of chapter fifty-seven (57) general laws of the year one thousand eight hundred and eighty-five (1885) relating to school meetings in common school districts.

Amendment—School meetings.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section twenty (20) of chapter thirty-six (36) general statutes A. D. one thousand eight hundred and seventy-eight (1878) as the same is amended by section one (1) of chapter fifty-seven (57) of the general laws of the year one thousand eight hundred and eighty-five (1885) be and the same is hereby amended by inserting after the word "meeting" in the sixth line thereof, the following words, to-wit:

"And the polls shall remain open for one hour."

Polls opened for one hour.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

CHAPTER 76.

S. F. No. 374.

An act to amend section sixteen (16) of chapter eleven (11) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by section one (1) of chapter one hundred and twenty-six (126) of the general laws of eighteen hundred and eighty-five (1885) as amended by chapter two (2) of the general laws of eighteen hundred and eighty-five (1885), relating to assessments and collection of taxes.

Amendment—Assessment and collection of taxes.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision five (5) of section sixteen (16) of chapter eleven (11) of the general statutes of eighteen hundred and seventy-eight (1878) as amended by section one (1) of chapter one hundred and twenty-six (126) of the general laws of eighteen hundred and eighty-five (1885) as amended by chapter two (2) of the general laws of eighteen hundred and eighty-five (1885), be and the same is hereby amended so as to read as follows:

Fifth—The number of wagons, carriages, bicycles,

sleighs or other vehicles of whatever kind and the value thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 8th, 1895.

H. F. No. 161.

CHAPTER 77.

Amendment—publication of delinquent tax list.

An act to amend section seventy-one (71) of chapter eleven (11) of general laws of eighteen hundred and seventy-eight (1878), as amended by chapter ten (10) of general laws of eighteen hundred and eighty-one (1881), and chapter two (2) of general laws of eighteen hundred and eighty-five (1885), relating to the publication of the delinquent tax list.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section seventy-one (71) of chapter eleven (11) of general laws of eighteen hundred and seventy-eight (1878), as amended by chapter ten (10) of the general laws of eighteen hundred and eighty-one (1881), and chapter two (2) of the general laws of eighteen hundred and eighty-five (1885), be amended by adding at the end of said section seventy-one (71) the following:

The copy of said list shall be made out on blank forms, substantially in the following manner:

Form for use in publication.

Township of.....

Town....., Range.....

Name of Owner and Description.	Sec.	Acres.	Tax and Penalty. $ cts.
(John Jones, se¼ of sw¼	10	40	4.40)
(John Jones, und. half of se¼ of sw¼	10	20	2.20)

And for platted property, the form of heading shall be varied to conform to the circumstances, substantially as follows:

City, village or borough of.....
(as the case may be.)
.....Addition or subdivision.

Name of Owner and Description.	Lot.	Block.	Taxes and Penalty. $ cts.
(John Jones,.....	15	9	2.20)
(John Jones, north half of.....	15	9	1.20)
(John Jones, 2, 3, 4, 5 and 6..		10	4.40)

The words, letters and figures (in parenthesis) being

entered for the purpose of showing a complete description.

And the copy of the delinquent tax list furnished by the county auditor to the publisher designated to advertise the same, shall be in the same general form; and the publisher shall follow said general form in the composition of said delinquent tax list, and shall repeat at the top of each column of his paper the name of the township, town, range, and other headings of a general character, as brought forward from the preceeding column.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

CHAPTER 78.

S. F. No. 93.

An act to amend section ninety-one of chapter sixty-five, general statutes of one thousand eight hundred and seventy-eight: as amended by section two chapter five extra session of 1881 and by section two chapter thirty-three general laws of 1885, relating to actions of replevin in courts of justices of the peace.

Replevin justice court.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Section ninety-one of chapter sixty-five, general statutes of one thousand eight hundred and seventy-eight as amended by section two of chapter five, extra session of one thousand eight hundred and eighty-one, and by section two of chapter thirty-three general laws of one thousand eight hundred and eighty-five is hereby amended to read as follows:

"Upon approval and filing by the justice of the bond "required by section one of this act the justice shall "issue a writ, directed to the sheriff or any constable of "the county in which the action may be brought, com- "manding him to take the property described therein "and deliver the same to the plaintiff, and summon the "defendant to appear and answer the same on the "return day mentioned in the writ. "Such writ shall be "made returnable within not less than six days nor "more than twelve days from the date of its issue, and "shall be served not less than six days prior to the return "day fixed therein."

Bonds—writ.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1895.

H. F. No. 178.

CHAPTER 79.

Amended in 1897

An act to amend subdivision tenth (10) of section three hundred and ten (310) of chapter sixty-six (66) of general statutes of one thousand eight hundred and seventy-eight (1878), as amended by chapter thirty-four (34) general laws of one thousand eight hundred eighty-five (1885) relating to property exempt from execution.

Be it enacted by the Legislature of the state of Minnesota:

One hundred bushels wheat exempt.

SECTION 1. That subdivision tenth (10th) of section three hundred and ten (310) of chapter sixty-six (66) of the general statutes of one thousand eight hundred and seventy-eight (1878) as amended by chapter thirty-four (34) general laws of one thousand eight hundred eighty-five (1885) be and the same is hereby amended by striking out the word "fifty" where it occurs before the words "bushels of wheat" in the fourth line of said subdivision, and inserting in lieu thereof the words "one hundred."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

H. F. No. 277.

CHAPTER 80.

Amend Sec. 3 Chap. 202 G. L. 1885.

An act to amend section three (3) of chapter two hundred and two (202) of general laws of the state of Minnesota, eighteen hundred and eighty-five (1885), relating to the storage and disposal of unclaimed baggage, freight and merchandise.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter two hundred and two (202) of the general laws of Minnesota of eighteen hundred and eighty-five (1885) be amended to read as follows: "If the owner of such property or his agent does not appear and duly claim the same within twelve (12) months from the date of the arrival of such property at the place of its destination such warehouseman or storage company may proceed to sell the same in the following manner:

Sale of unclaimed baggage freight and mdse.

A notice specifying the time and place of such sale shall be published at least once in each week for three (3) successive weeks prior to such sale, and also in a

newspaper printed and published in the county where such sale is to take place, if there be such a newspaper, and also by mailing a copy thereof to the owner if his address be known, and by posting a copy of the same in three (3) public places in the town, city or village where the property is to be sold.

Provided, however, that whenever such warehouseman or storage company shall personally serve upon such owner or consignee a written notice requesting the removal of such freight or merchandise and notifying such owner or consignee that unless said freight or merchandise is removed within ninety (90) days from the day of the service of such notice, the same will be sold at the expiration of said ninety (90) days at a time and place specifically named in said notice, and such property may be sold by such warehouseman or storage company at the time and place specified in such notice."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21st 1895.

CHAPTER 81.

S. F. No. 245.

An act to amend sections three (3), six (6), nine (9), fifteen (15) and twenty-two (22) of chapter ninety-seven (97), general laws of Minnesota for one thousand eight hundred and eighty-seven (1887), relating to drainage of wet lands.

To amend Secs. 3, 6, 9, 15, 22, Chap. 97 G. L. 1887.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter ninety-seven (97), general laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended so as to read as follows:

Sec. 3. And it shall be the duty of the auditor thereupon to issue to said viewers a certified copy of the petition and order of the board, who shall proceed at the time set in said order, with a surveyor, who shall be a civil engineer, and shall make an accurate survey of the line of said ditch, drain or water course, from its source to its outlet; and they shall cause stakes or monuments to be set along said line, numbered progressively down stream, at each one hundred feet (100); and they shall make a computation of the number of cubic yards of earth to be excavated and removed from said ditch, drain or water course between each of the one hundred (100) foot stakes, and the estimated cost

Surveying wet lands for drainage.

per cubic yard for the removal thereof, and shall sum up the total number of cubic yards of earth to be excavated and removed for the entire length of said ditch, drain or water course, and an estimate of the total cost of laying out, establishing and construction of the whole work.

Cross-sectioning.

And they shall, in tabular form, give the depth of cut, width at the bottom and width at the top, at the source, outlet, and at each one hundred (100) foot stake or monument of said ditch, drain or water course; and they shall specify the time and manner in which the work shall be done, and may for that purpose set a different time for completing the several contracts and also for completing any station or stations included in each contract, and they shall have power when they find it necessary, to provide for running said ditch under ground, through drain tiles or other materials, as they deem best, by specifying the size and kind of tile or other material to be used in such underground work, and shall estimate the cost of the same as a part of the total cost of the work. And they shall file with their report an account of the names of the laborers and the time each was employed by them, and every other item of expense by them incurred in and about said work, and shall file their reports with the auditor, after having subscribed and sworn to the same."

SEC. 2. That section six (6) of said chapter be, and the same is hereby amended so as to read as follows:

Sec. 6. In locating a public ditch, drain or water course viewers may vary from the line described in the petition as they deem best, provided they commence the ditch at or near the point described in the petition and follow down the line therein described as near as practicable.

Branch drains.

And *provided further*, that they shall have authority to establish such branch ditch or ditches as may be necessary to give owners of lands assessed for the construction of the main ditch the full benefit thereof.

Provided, that such branch ditch or branch ditches may either be opened at the same time and in the same manner as the main ditch or the viewers may only locate said branch ditch or ditches and assess the benefits and damages to the land through which said branch ditch or ditches may be laid out, and also land over which the water, draining through such branch ditch or ditches may flow.

In all cases in which the route proposed is along highways already established, the viewers shall locate

the ditch at a sufficient distance from the center of such highway as to admit of a good road along the central line thereof; the earth taken from the ditch shall be so placed upon the roadway as to form a turnpike, and no nearer to the margin thereof than two (2) feet; but in locating a drain as above, the viewers shall not materially depart from the terminal points described in said petition.

Variation from line in petition.

Provided, that when there is not sufficient fall in length in the route described in the petition to drain the lands adjacent thereto, they may extend the ditch below the outlet named in the petition far enough not exceeding one-half (½) mile to obtain a sufficient fall and outlet.

And when it will not be detrimental to the usefulness of the whole work they shall, as far as practicable, locate the ditch on division lines between lands owned by different persons; and they shall as far as practicable, avoid laying the same diagonally across the lands, but they must not sacrifice the general utility of the ditch to avoid diagonal lines. And all persons whose lands may be affected by said ditch, may appear before said viewers (and before the board of county commissioners, at which a hearing may be had upon such matters and fully express their opinion upon all matters pertaining thereto.)

Owners may "express their opinion."

SEC. 3. That section nine (9) of said chapter be, and the same is hereby amended, so as to read as follows:

Sec. 9. Said board of commissioners, at the time set for the hearing of said petition (which said hearing may be adjourned from time to time) shall proceed to hear the same, and if they find the viewers' report is made in accordance with the provisions of this act, and they find the proposed ditch to be of public utility, or conducive to public health, or of public benefit or convenience, and if they find from the face of the report, and the evidence before them, that the estimated benefits to be derived from the construction of said work is greater than its total cost, including damages awarded, and that such benefits exceed such damages in a sufficient amount to warrant the construction thereof, they may, in their discretion, establish the same as specified in said viewers' report.

Hearing on petition.

Provided, that in case the viewers' report is found to be defective in any particular, the county commissioners shall have authority to remedy such defect and cause the expenses thereof to be assessed against the lands benefited.

SEC. 4. That section fifteen (15) of said chapter be

and the same is hereby amended so as to read as follows;

When bondsmen shall complete contract.

Sec. 15. If a job is not completed within the time fixed in the contract, it shall be the duty of the bondsmen to notify the county auditor of that fact within five days after the expiration of the time fixed in the contract.

Whereupon the auditor shall order said bondsmen to complete said job, and they shall receive from the county the amount due on such job or part thereof that they have so completed. The amount due said bondsmen for such ditching shall be determined by the county surveyor. The fees of the county surveyor for such services shall be paid out of the money due the original contractor, if any, otherwise by the bondsmen.

Fees of surveyor.

Time extended.

But the auditor may for good cause shown give further time to any contractor, not exceeding one year *provided* that a job not completed as hereinbefore specified shall be resold by the county auditor after ten days' notice by publication, to the lowest responsible bidder, but shall not be sold for a sum exceeding fifty (50%) per cent in excess of the estimated cost of such work, nor a second time to the same party.

A contract and bond shall be entered into as hereinbefore provided.

SEC. 5. That section twenty-two (22) of said chapter be and the same is hereby amended so as to read as follows:

Lands owned by state, &c.

Sec. 22. All lands owned by this state, and all lands owned by any land company or railroad company benefited by any such ditch, drain or water course, shall be liable to pay and shall pay for such benefits, the same as owners of taxable lands.

And the sum of five hundred (500) dollars is hereby appropriated out of the general revenue fund for that purpose, and also five thousand (5,000) dollars annually hereafter, or so much thereof as may be necessary to meet all assessments against state lands under this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

CHAPTER 82.

H. F. No. 170.

An act to amend section seven (7) of chapter ninety-eight (98) of the general laws of Minnesota for the year eighteen hundred and eighty-seven (1887), the same being "An act to provide for the formation and organization of drainage districts for the draining of wet and overflowed lands for agricultural and sanitary purposes."

To amend Sec. 7 Chap. 98 G. L. 1887.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section seven (7) of chapter ninety-eight (98) of the general laws of Minnesota for the year one thousand eight hundred and eighty-seven (1887), entitled, "An act to provide for the formation and organization of drainage districts for the draining of wet and overflowed lands for agricultural and sanitary purposes, be amended by adding thereto the following words, to-wit:

Provided, that if, for any reason the board of drainage commissioners do not order constructed said drain, ditch or embankment so petitioned for, and the expenses of the proceedings under such petition shall exceed the amount of said bond, then in all such cases heretofore or hereafter arising, the board of drainage commissioners are hereby authorized to levy a tax upon the lands described in said petition, sufficient to pay the amount of such expenses, or so much thereof as they may deem it impossible to collect from the bondsmen upon said bond.

Tax for expenses of ditch.

Provided further, that said levy and assessment shall constitute a lien upon said lands and shall be made as nearly as practicable in the same manner as hereinafter provided by this act.

Lien upon land

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved Feb. 27th 1895.

CHAPTER 83.

S. F. No. 618.

An act to amend section 26, of chapter 97, of the general laws of 1887, relating to drainage.

To amend Sec. 26 Chap. 97 G. L. 1887.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section twenty-six of chapter ninety-seven of the general laws of the year one

thousand eight hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Penalty for obstructing ditch.

Sec. 26. If any person shall wilfully obstruct any public ditch, or shall wilfully divert the water from its proper channel, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars ($5) nor more than fifty (50) dollars, and shall also be liable for any and all damages accruing to any person or persons, or corporation, by such act,

Provided, however, that the erection of a dam or dams across any public ditch or ditches for the purpose of overflowing and irrigating any lands through which such public ditch or ditches may run, after first obtaining permission from the board of town supervisors of the town in which such proposed dam or dams will be located, to construct such dam or dams, shall not be deemed an obstruction."

Dams.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th 1895.

S. F. No. 83.

CHAPTER 84.

To amend Secs. 8, 31 Chap. 97 G. L. 1887.

An act to amend sections eight (8) and thirty-one (31) of chapter ninety-seven (97) of the general laws of one thousand eight hundred and eighty-seven (1887), entitled "An act to enable the owners of lands to drain and reclaim them when the same cannot be done without affecting the lands of others; prescribing the powers and duties of county commissioners and other officers in the premises, and providing for the repair and enlargement of such drains, and repealing certain acts therein specified, and declaring an emergency."

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section eight (8) of chapter ninety-seven (97) of general laws of one thousand eight hundred and eighty-seven (1887) be, and the same is hereby amended by striking out the word "reviewers" where it occurs therein and inserting the word viewers in the place thereof; and that section be further amended by adding thereto the following, viz.;

Points amended in Sec. 8.

Provided however, that in all cases which are now pending where, for any cause, a defective notice or no notice, has been given as herein provided, such notice if subsequently, given by virtue of any order which the

board of county commissioners shall have made, shall be valid, and all subsequent proceedings shall be had as herein provided in other cases.

And *provided further:* That in all cases in which from any cause said notice shall not be given, or in case said notice shall be defective, the county auditor shall cause the same to be given so that the petition may be heard at the next session of said board.

Points amended in Sec. 31.

SEC. 2. That section thirty-one (31) of said chapter ninety-seven (97) be amended by striking out the word "literally" where it occurs therein, and inserting the word "liberally" in lieu thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19th 1895.

CHAPTER 85.

H. F. No. 279.

To amend Sec. 2 Chap. 121 G. L. 1887.

An act to amend section two (2) of chapter one hundred and twenty-one (121) of the general laws of eighteen hundred and eighty-seven (1887), entitled An act for to provide for public school libraries.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That first proviso of section two (2) of chapter one hundred twenty-one (121) of the general laws of eighteen hundred and eighty-seven (1887) be amended so as to read as follows, to-wit: *Provided* first that no district shall receive more than twenty (20) dollars upon the first (1st) statement nor more than ten (10) dollars upon any subsequent statement.

First proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

CHAPTER 86.

S. F. No. 495.

To amend Sec. 2 Chap. 121 G. L. 1887.

An act to amend section two (2) of chapter one hundred and twenty-one (121) of the general laws of one thousand eight hundred and eighty-seven (1887), entitled An act to provide for public school libraries.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the second proviso of section two (2) of chapter one hundred and twenty-one (121) of the

general laws of eighteen hundred and eighty-seven be amended so as to read as follows, to-wit:

Second proviso

Provided, second, that for the purposes of the provision immediately preceding, districts having more than one school building shall be estimated as one district for each school building occupied in said district and be entitled to aid accordingly.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

H. F. No. 146.

CHAPTER 87.

Redemption from tax sales.

An act amending section ninety (90) of chapter one (1) of the general laws of the state of Minnesota for the year eighteen hundred and seventy-eight (1878), as amended by section four (4) of chapter sixty (60) of the general laws of the state of Minnesota for hte year eighteen hundred and eighty-seven (1887), relating to redemption from tax sales.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section ninety (90) of chapter one (1) of the general laws of the state of Minnesota for the year eighteen hundred and seventy-eight (1878). As amended by section four (4) of chapter sixty (60) of the general laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), be and the same hereby is amended, by adding thereto the following provision, to-wit:

Notice of redemption.

In case any piece or parcel of land is redeemed, the county auditor shall mail a notice with postage prepaid, addressed to his last known postoffice, to the person holding a certificate or assignment for which said redemption is made, stating that said redemption has been made, and that the amount thereof is in the county treasury subject to his disposal.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 16th, 1895.

CHAPTER 88.

S. F. No. 672.

An act to amend section three (3) of chapter one hundred and fifty (150) of the general laws one thousand eight hundred and eighty-seven (1887), relating to the burial by the state of honorably discharged soldiers, sailors or marines.

To amend Sec. 3 Chap. 150 G. L. 1887.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter one hundred and fifty (150) of the general laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended so as to read as follows:

Sec. 3. Such burial shall not be made in any cemetery or place used exclusively for the burial of the pauper dead and the expense of such burial and headstone shall be paid by the state of Minnesota, as follows: The said person so designated as provided in section one (1) of this act, shall report all such expenditures with the accompanying vouchers, properly attested by the county auditor of said county to the state auditor, who shall thereupon draw his warrant upon the state treasurer in favor of and payable to the person designated by said county auditor as entitled thereto.

Soldier's burials.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 89.

H. F. No. 867.

An act to amend sections one (1) two (2) and three (3) of chapter nine (9) of the general laws of one thousand eight hundred and eighty-seven (1887), relating to the regulation of the practice of medicine and the licensing of physicians and surgeons.

To amend Secs. 1, 2, 3, Chap. 9 G. L. 1887.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter nine (9) of the general laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out the word "two" where it last appears in said section and inserting in lieu thereof the word "three."

Strike out "two," insert "three."

SEC. 2. That section two (2) of chapter nine (9) of

the general laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out the word July and inserting the word June in lieu there of where it occurs in said section.

Strike out "July," insert "June."

SEC. 3. That section three (3) of chapter nine (9) of the general laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended so as to read as follows: It shall be unlawful for any person to practice medicine in this state without a license from said board, or without having filed with the secretary of said board an affidavit setting forth the times and places in which he or she has practiced medicine within this state prior to the passage of this law. Any person in continuous practice in this state since June first (1st), one thousand eight hundred and eighty-seven (1887,) not licensed under the provisions of chapter one hundred and twenty-five, general laws of eighteen hundred and eighty-three (1883), may become a licensed practitioner by submitting to the state board of medical examiners of this state a diploma from a recognized college of medicine, or by undergoing an individual examination at a regular examination prescribed by the act now in force. The fee for such license shall be ten (10) dollars. All persons hereafter commencing the practice of medicine and surgery in any of its branches in this state, shall apply to said board for a license so to do, and such applicant, at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches, to-wit; Anatomy physiology, chemistry, histology materia medica, therapeutics, preventive medicine, practice of medicine, surgery, obstetrics diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable, and present evidence of having attended three (3) full courses of lectures at a medical college, recognized by the state board of medical examiners, of at least twenty-six (26) weeks each; no two (2) courses being within the same year.

Must have a license to practice medicine.

License fee.

Examination.

After 1898.

Provided, that after January 1st, eighteen hundred and ninety-nine (1899) it shall be necessary for all persons commencing the practice of medicine and surgery to submit to an examination in above mentioned branches and present evidence of having attended four (4) full courses of lectures at a medical college, recognized by the state board of medical examiners, of at least twenty-six (26) weeks each; no two courses being in the same year. All examination papers on subjects requiring treatment

peculiar to any school of medicine shall be examined and their sufficiency passed upon by the members of said board belonging to such school, if such there be, and their recommendation as to the proficiency of such candidate in those particular subjects shall be deemed final by said board. Said board shall cause such examination to be both scientific and practical, but of sufficient severity to test the candidate's fitness to practice medicine and surgery. When desired, said examination may be conducted in the presence of the dean of any medical school or the president of any medical society of this state. After examination said board shall grant a license to such applicant to practice medicine and surgery in the state of Minnesota; which said license can only be granted by the consent of not less than seven (7) members of said board, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination shall be the sum of ten (10) dollars and shall be paid by the applicant to the treasurer of said board, to be applied by said board, toward defraying the expenses thereof; and such board may refuse or revoke a license for unprofessional, dishonorable or immoral conduct. In all cases of refusal or revocation the applicant may appeal to appointing power of said board. License.

SEC. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

CHAPTER 90.

S. F. No. 275.

An act to amend section ten (10) chapter sixteen (16) general statutes of 1878 as amended by chapter eighty-one (81) section one (1) general laws of 1887 relating to intoxicating liquors. Intoxicating liquors.

Be in enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of said chapter eighty-one of the general laws of one thousand eight hundred and eighty-seven be amended so as to read as follows:

Sec. 10. It shall be unlawful for any person to sell, give, barter, furnish or dispose of, in any manner either directly or indirectly or by agents, employes or otherwise, any spirituous, vinous, malt or fermented liquors Minors. Students. Habitual drunkards.

in any quantity or for any purpose whatever, to any minor person for his own use, the use of his parents, or any other person, or to any student, or pupil in any public school, seminary, academy or any other institution of learning in this state, or to any habitual drunkard, or intemperate drinker of intoxicating liquors or to any intoxicated person, and any person violating any of the foregoing provisions of this section, shall be guilty of a misdemeanor, and on conviction thereof by any court having jurisdiction, shall be punished by a fine of not less than twenty-five dollars ($25), nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail not less than thirty (30) nor more than ninety (90) days, and any parent, husband, wife, guardian, child, master or employer or relation of any person, who is a habitual drunkard, or an intemperate drinker of intoxicating liquors, or any one who is annoyed or injured by the means of the continued intoxication of such drunkard, or intemperate drinker, or any parent, master, guardian, relative or employer of any minor person may give notice in writing signed by him or her, to any person forbidding him from directly or indirectly furnishing any such habitual drunkard, intemperate drinker or minor named in such notice with any kind of intoxicating liquors, and if within one year after such notice, in cases of habitual drunkards and minors, and any time before such minor person shall become of full age, any one to whom such notice was given, sells, gives away or furnishes directly or indirectly, or causes to be furnished any intoxicating liquors to the person named in such notice, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court having jurisdiction shall be punished by a fine not less than fifty (50) dollars nor more than one hundred (100) dollars and by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days and in case of default in the payment of such fine, the court may in addition to the time of imprisonment fixed by its judgment commit such person to the county jail until such fine is paid, the whole time however for which any person can be so committed to the county jail under the provisions of this section not to exceed ninety days (90), and the license of such person shall be revoked as hereinafter stated,

Penalty.

Complainant—Notice.

Penalty for selling after notice.

Purchaser—penalty.

All the provisions of this section shall also apply to the municipal corporations, anything in the charters or ordinances thereof to the contrary notwithstanding,

Any person who shall purchase or procure for any intemperate drinker of intoxicating liquors,

habitual drinker or minor, knowing them to be such, with money or its equivalent furnished by such person or by such drunkard, intemperate drinker, minor or other person for him, any intoxicating liquors shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars, together with costs of prosecution or by imprisonment in the county jail for not less than twenty (20) nor more than ninety (90) days and in case of default in payment of such fine, until such fine and costs are paid, not exceeding ninety (90) days.

It shall be unlawful for any person in any city, village, town or borough in this state to sell, barter, furnish or dispose of in any manner either directly or indirectly or by agent employe or otherwise, any intoxicating liquor in any quantity or for any purpose whatever on the Sabbath day, commonly called Sunday, or on any general or special election day, and all places where the sale of intoxicating liquors shall be licensed, under the provisions of any law or ordinance, shall be closed during all hours of every Sabbath day, commonly called Sunday, and of every general or special election day, and any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than thirty (30) dollars nor more than one hundred (100) dollars and costs of prosecution and by imprisonment in the county jail not less than ten days (10) days nor more than thirty (30) days."

Sabbath closing.

Penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 1st, 1895.

CHAPTER 91.

H. F. No. 210.

An act to amend chapter ten (10) of the general laws of eighteen hundred and eighty-seven (1887) entitled an act to regulate common carriers and creating the railroad and warehouse commission of the state of Minnesota and defining the duties of such commission in relation to common carriers.

To amend Chap. 10 G. L. 1887.

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Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter ten (10) of the general laws of eighteen hundred and eighty-seven (1887) be amended so as to read as follows;

Transfer facilities at track crossings.

Sec. 3. (A). That all common carriers subject to the provisions of this act shall provide at all points of connection, crossing or intersection at grade where it is practicable and necessary for the interest of traffic, ample facilities by track connections for transferring any cars used in the regular business of their respective lines of road from their lines or tracks to those of any other common carrier whose lines or track may connect with, cross or intersect their own, and shall provide equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding and delivering of passengers, property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates or charges between such connecting lines or on freight coming over such lines; but this shall not be construed as requiring any common carrier to furnish for another common carrier its tracks equipment or terminal facilities without reasonable compensation; that each of said connecting lines shall pay its proportionate share for the building and maintenance of such tracks and switches as may be necessary to furnish the transfer facilities required by this act and in case they cannot agree on the amount which each line shall pay, then said amount shall, upon application by either party, be determined and adjusted by the railroad and warehouse commission and either party shall have the right to appeal from the order of said commission, fixing the amount so to be paid to the district court of the county where said transfer facilities are furnished by serving a notice in writing on the adverse party within ten (10) days after the making and filing of such order by said commission, and upon the service of such notice there shall be pending in said district court a civil action for the adjustment and determination of the amount to be paid by each carrier for the expense of the building and maintenance of said transfer facilities. Pleading shall be made and filed in said action in conformity to those required by law and rules of practice in said court, and said cause shall be tried in the manner provided for the trial of civil actions in the district courts of this state.

Expense of connecting tracks, how determined and paid.

Pleadings.

Rates.

(B). All railway companies doing business in this state shall, upon the demand of any person or persons interested, or upon demand of the railroad and warehouse commission establish reasonable joint through rates for the transportation of freight between points on their respective lines within this state.

Carload lots.

Carload lots shall be transferred without unloading from the cars in which such shipments were first made,

unless such unloading into other cars shall be done without charge therefor to the shipper or receiver of such carload lots and such transfer shall be made without unreasonable delay under such contract arrangements as such connecting companies may make, or under such rules as the railroad and warehouse commission may prescribe as hereafter provided in this act.

Less than carload lots shall be transferred into the connecting railway cars at cost, which shall be included in and made a part of the joint rates adopted by such railway companies, or established as provided by this act. When shipments of freight to be transported between different points within this state, are required to be carried by two (2) or more railway companies operating connecting lines, such railway companies shall transport the same as reasonable through rates, and shall at all times give the same facilities and accomodations to local or state traffic as they give to interstate traffic over their lines of road.

Connecting lines.

(C) In the event of that said railway companies fail to establish through joint rates or fail to establish and charge reasonable rates for such through shipments, or fail to establish between themselves the rates and terms upon which cars of one company shall be transferred in such through shipments from the line of one company to the other and returned, or fail to provide for the convenient and prompt transfer of such through freight, from the cars of the receiving company to those of the connecting line, it shall be the duty of the railroad and warehouse commission of this state, and said commission is hereby directed, upon the application of any person or persons interested to establish reasonable joint rates for the shipment of freight and cars over any two or more connecting lines of railroad in this state, and to prescribe the reasonable rules under which any such cars so transferred shall be returned; and in establishing, changing or revising any such rates they shall take into consideration the average of rates charges by said railway companies operating such connecting lines for joint interstate shipments for like distances.

Through joint rates, how established.

The rates established by said commission shall go into effect within ten (10) days after the same are promulgated by said commission and from and after that time the schedule of rates so established, shall be prima facie evidence in all the courts of this state that such rates are reasonable through rates for the transportation of freight and cars upon the railroads for which such schedule shall have been fixed

When to take effect.

Agreement by roads before promulgation by commission.

(D) Before the promulgation of such rates or rules as above provided, the railroad and warehouse commission shall notify the railroad companies interested in the schedule of joint rates fixed by them, and they shall give said railroad companies a reasonable time thereafter to agree upon a division of charges provided for in such schedule; and in the event of the failure of the railway companies to agree upon such division and to notify the board of such agreement, said commission shall, after a hearing of the companies interested decide the same, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by the commission shall in all controversies or suits between the railroad companies interested be prima facie evidence of the just and reasonable division of such charges.

Unjust charge prohibited.

(E) Every unjust and unreasonable charge for the transportation of freight and cars over two or more railroads in this state is hereby prohibited and declared to be unlawful, and every company or person violating the provisions of this section shall be subject to the penalties prescribed in section twelve (12) of the original act to which this act is amendatory.

When cars need not be sent over other roads.

(F) Nothing herein contained shall be construed as requiring any railroad company to send its cars over the line of railroad of another company when its own line of railroad runs to and reaches the point of destination or the point of connection with another railroad on which such point of destination is located, or to use its track or terminal facilities at terminal points for the handling of cars or traffics of another or competing company; *provided*, that in no case shall the charges for transportation exceed the established through joint rates between any two points.

Common law liability not to be limited.

(G) Whenever any property is received by any common carrier subject to the provisions of this act to be transported from one place to another within this state, it shall be unlawful for such common carrier to limit in any way, except as stated in its classification schedule, hereinafter provided for, the common law liability with reference to such property while in its custody as a common carrier; such liability must include the absolute responsibility of the common carrier for the acts of its agents in relation to such property.

SEC. 2. That subdivision "B" of section nine (9) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887) is hereby amended by striking out all after the word "office" in line twelve (12) of said subdivision "B" and substituting therefor, the following, to-wit:

Said commissioners shall not, while holding office under this act, be interested in any stock or bonds of any common carrier or in any contract for the construction, repair or maintenance of any railroad, or accept any retainer or employment from any common carrier under the jurisdiction of said commission. Commissioners not to hold stock or bonds of carriers.

No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 3. That subdivision "D" of section fifteen (15) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887) as amended by chapter one hundred and six (106) of the general laws of one thousand eight hundred and ninety-one (1891) is hereby amended by inserting in line two (2) of said subdivision "D" after the word "commission" the words "or any party to any proceeding before said commission and affected by its order."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 92.

H. F. No. 289.

An act to amend section seven (7), chapter two hundred and eight (208), of the general laws of 1887, limiting the salary of the principal keeper of the Minnesota state reformatory at St. Cloud. To amend Sec. 7, Chap. 208 G. L. 1887.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section seven (7) of chapter two hundred and eight (208) of the general laws of eighteen hundred and eighty-seven (1887), be and the same is hereby amended by striking out the words and figures "one thousand dollars ($1,000)," where they appear in said section as limiting the salary of the "principal keeper" and inserting in place thereof the words and figures twelve hundred dollars ($1,200). Salary of keeper of St. Cloud Reformatory.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

H. F. No. 872.

CHAPTER 93.

To amend Sec. 7, Chap. 208 G. L. 1887.

An act to amend section seven (7) of chapter two hundred and eight (208) of the general laws of Minnesota for the year one thousand eight hundred and eighty-seven (1887), relating to the salary of the clerk of the Minnesota state reformatory.

Be it enacted by the Legislature of the state of Minnesota.

Salary of clerk of St. Cloud Reformatory

SECTION 1. That section seven (7) of chapter two hundred and eight (208) of the general laws of Minnesota for the year one thousand eight hundred and eighty-seven (1887) relating to the salary of clerk of the Minnesota state reformatory, be amended by striking out the words and figures "one thousand ($1,000) dollars" where they appear after the word "clerk" in said section and inserting in lieu thereof the words and figures "twelve hundred ($1,200) dollars."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

H. F. No. 878.

CHAPTER 94.

State Reformatory.

An act to amend an act entitled "An act to provide for and regulate the employment of prisoners confined in the state prison and the state reformatory and to repeal chapter two hundred and fifty-five (255) of the general laws of one thousand eight hundred and eighty-nine (1889)," approved April twelfth (12th), eighteen hundred ninety-five (1895), and relating to the state reformatory.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section eight (8) of an act entitled "An act to provide for and regulate the employment of prisoners confined in the state prison and the state reformatory and to repeal chapter two hundred and fifty-five (255) of the general laws of one thousand eight hundred and eighty-nine (1889)," approved April twelfth (12th), 1895, be and the same is hereby amended so as to read as follows:

Number employed in single industry.

Sec. 8. The number of prisoners employed in a single industry at the same time in any institution, coming under the provisions of this act shall not exceed ten (10) per cent of the total number of persons engaged in

such industry in this state unless a greater number is necessary to produce materials or articles to be supplied to state and other municipal institutions, penal or charitable:

Provided however that this section shall not apply to the number of prisoners employed in the manufacture of binding twine at the state prison at Stillwater, nor shall it apply to the number of prisoners employed in the manufacture of brushes at the state reformatory at St. Cloud.

Binding twine and brushes

The number of persons employed in any such industry in the state to be determined by a commission of three (3), of which the labor commissioner of the state shall be chairman, one to be a member of the board of prison managers and one to be a citizen of this state engaged or interested in some manufacturing industry not connected with the state prison or state reformatory, both of whom shall be appointed by the governor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

CHAPTER 95.

S. F. No. 82.

An act to amend section one (1) of chapter one hundred and sixty-eight (168) of the general laws of one thousand eight hundred and eighty-nine (1889), relating to drainage of lands upon petition to the supervisors of townships.

To amend Sec. 1, Chap. 168, G. L. 1889.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That section one (1) of chapter one hundred and sixty-eight (168) of the general laws of one thousand eight hundred and eighty-nine (1889) be and the same is amended by adding to said section the following, viz.:

Provided however, when, upon the petition of the owner thereof it is sought to secure the drainage of any land into any ditch or drain constructed heretofore, or hereafter, under the provisions of any law of this state, for the construction of which said ditch, said lands have been assessed, it shall be the duty of said supervisors to lay out and establish such ditch or drain, but subject to and in accordance with all the other provisions of this chapter.

Branch drains.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15th 1895.

H. F. No. 50.

CHAPTER 96.

To amend Sec. 8 Chap. 168 G. L. 1889.

An act to amend section eight (8) of chapter one hundred sixty-eight (168) of the general laws of eighteen hundred and eighty-nine (1889) relating to the drainage of lands.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section eight (8) of chapter one hundred and sixty-eight (168) of the general laws of eighteen hundred and eighty-nine (1889) be, and the same is hereby amended by adding thereto at the end thereof the following proviso; that is to say:

Owner required to construct ditch.

"And *provided further*, that when any person or corporation owning any lands through which such ditch will pass, and whose said lands will be benefited thereby, shall refuse or neglect to construct in a proper manner such part of said ditch, it shall be the duty of the town clerk of the town in which such ditch is, to serve notice on such person or corporation, as summons in civil actions are served, requiring such person or corporation to construct such part of said ditch within sixty (60) days from the date of the service of said notice, and if such person or corporation shall neglect or refuse to properly construct such part of said ditch within the said sixty (60) days then it shall be the duty of the town supervisors to have such part of such ditch properly constructed, and the cost of such construction, including one (1) dollar for service of the notice by the town clerk shall be audited by the board of supervisors after not less than five (5) days' notice to the owner or occupant of said lands, of the time and place when and where the board will meet for such purpose, and the amount so audited and allowed shall be paid out of the town treasury and shall be certified by the town clerk to the county auditor of the proper county, which amount shall be by said auditor placed upon the tax duplicate against said land, and collected as other taxes are collected, and when so collected, the same, with costs, interest and penalties, shall be paid into the town treasury of the proper town."

Tax.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd 1895.

CHAPTER 97.

S. F. No. 682.

An act to amend section one hundred four of chapter forty-six of the laws of 1889, entitled "An act to establish a probate code."

To amend probate code.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section 104 of chapter forty-six of the laws of Minnesota for the year one thousand eight hundred and eighty-nine be and the same is hereby amended by inserting in first line of said section, after the word "contracts" the words "and for taxes levied and assessed" against the deceased and also by inserting in line four (4) of said section, after the word presented the words "except claims for taxes" so that said section when so amended shall read as follows:

Sec. 104 as amended.

Sec. 104. All claims arising upon contracts and for taxes levied and assessed against the deceased, whether the same be due, not due, or contingent, must be presented to the probate court within the time limited in said order, and any claim not so presented, except claims for taxes, is barred forever.

Such claim or demand may be pleaded as an offset or counter claim to an action brought by the executor or administrator.

All claims shall be itemized and verified by the claimant, his agent or attorney, stating the amount due, that the same is just and true, that no payments have been made thereon which are not credited, and that there are no offsets to the same to the knowledge of affiant.

If the claim be not due, or be contingent when presented the particulars of such claim must be stated.

The probate court may require satisfactory vouchers or proofs to be produced in support of any claim.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17th 1895.

S. F. No. 219.

CHAPTER 98.

To amend Sec. 71 Chap. 46 G. L. 1889.

An act to amend section seventy-one (71) of chapter forty-six (46) of the general laws of 1889, (Probate Code.)

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision second of section seventy-one (71) of chapter forty-six (46) of the general laws of one thousand eight hundred and eighty-nine be, and the same is hereby amended so as to read as follows:

Letters of administration, to whom granted.

Second. If the widow, or next of kin, or the person selected by them, is unsuitable or incompetent, or if the widow, or next of kin neglects for thirty days after the death of the intestate to apply for administration, or to request that administration be granted to some other person, the same may be granted if the deceased was a native of any foreign country, to the consul or other representative of the kingdom, state or country, of which the deceased was a native, residing in the State of Minnesota, who may have filed a copy of his appointment as such consul or representative with the secretary of the state, or to such person as such consul or representative may request to have appointed, if suitable and competent to discharge the trust; but if such deceased was not a native of any foreign kingdom, state or country, or if said consul or representative shall for thirty days after notice, served as required in section three hundred and seventeen (317) of this act, neglect to apply for administration or to request that administration be granted to some other person, the same may be granted to one or more of the principal creditors, if any such are competent and willing to take it, or to such other person as may be interested in the administration of the estate of the deceased.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th 1895.

CHAPTER 99.

H. F. No. 456.

An act to amend section one hundred and eighty-two (182) of chapter forty-six (46) of the general laws of 1889, entitled "An act to establish a probate code."

To amend probate code.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section number one hundred and eighty-two (182) of the "probate code" of the state of Minnesota be amended so as to read as follows:

Sec. 182. An executor, administrator, or guardian, appointed in another state upon any estate where there is no executor, administrator, or guardian appointed in this state, may file an authenticated copy of his appointment in the probate court for any county in which there is real estate of the deceased, or of the ward or wards of such guardian; after which he may be licensed by the same probate court to sell such real estate for the payment of debts, legacies and charges of such administration, "ward or wards, and to obtain means to support and maintain the ward or wards of such guardian, in the same manner, and upon the terms and conditions as are prescribed in the case of an executor, administrator or guardian appointed in this state, except as hereinafter provided.

Foreign executor, administrator or guardian appointed and licensed to sell.

And such foreign executor administrator; or guardian may act by his attorney in fact thereto by him duly appointed by power of attorney, under his hand and seal, and executed and acknowledged in the same manner as is required for all conveyances of real estate, which power of attorney shall be recorded in the office of the register of deeds for the county in which the real estate is situated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 100.

H. F. No. 448.

An act to amend chapter forty-six of the general laws of eighteen hundred eighty-nine, the same being entitled "An act to establish a probate code."

To amend probate code.

Be it enacted by the Legislature of the State of Minnesota:

95 C 100
01 - 236

SECTION 1. That section nine of chapter forty-six of the general laws of eighteen hundred eighty-nine, entit-

led "An act to establish a probate code" be and the same is hereby amended as follows, by adding thereto, to said section nine, the following:

Compensation of judge.

Provided further that in all counties having a population of not less than one thousand and not to exceed ten thousand the board of county commissioners of such county may allow the judge of probate of such county such a sum in addition to the amount above stated, and fixed, as in the discretion of such board of county commissioners shall be just" providing the said additional amount shall not make his total salary as probate judge more than six hundred dollars per annum. Such salary so fixed and allowed by the board of county commissioners shall be paid at the same time and in the same manner as above provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 589.

CHAPTER 101.

To amend Chap. 200 G. L. 1889.

An act to amend chapter (200) of the laws of 1889, entitled An act giving liens for the better security of mechanics, material men, laborers and others.

95 c 101
93-M - 501
101-NW 963

Be it enacted by the Legislature of the state of Minnesota:

Commencement of lien.

SECTION 1. That section one (1) of chapter two hundred (200) of the general laws of 1889 be amended by adding thereto at the end thereof the words: "Such liens shall attach at the time of the furnishing of the first item of such labor, skill, material or machinery, and shall be preferred and be prior to any mortgage or other incumbrance of which the lienholder had no notice at the time of furnishing such first item and which mortgage or other incumbrance was unrecorded at the time such lien attached."

Taxable costs.

SEC. 2. That section ten of said act be amended by adding thereto at the end thereof the following words: Every lienholder who has obtained a lien under this chapter, whether he is plaintiff or defendant, shall be entitled to tax as costs a sum to be fixed by the court, not to exceed twenty-five (25) dollars where the amount recovered is less than five hundred dollars, and a sum not to exceed five per cent (5%) of the amount recovered when such amount is five hundred dollars or over.

Such costs shall be inserted in the judgment and made

a lien upon the property against which recovery has been had with a like effect as the amount recovered.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 102.

H. F. No. 25.

Chattel mortgages.

An act to amend section four (4) of chapter thirty-nine (39) of the general statutes of eighteen hundred and seventy-eight (1878), as amended by chapter seventy-nine (79) of the general laws of Minnesota for the year eighteen hundred and eighty-nine (1889), relating to the filing of chattel mortgages.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Every chattel mortgage upon property situated at the time of the execution of such mortgage in a county not organized into townships or situated in an unorganized township of a county which is organized, shall be filed in the office of the register of deeds for such county, and the register of deeds of every such county shall file all such instruments when presented for that purpose, indorse thereon the time of reception, the number thereof, and shall enter in a suitable book to be provided by him at the expense of the county, with an alphabetical index thereto, under the head of mortgagors and mortgagees respectively, the names of each party to such instrutment, and in separate columns opposite to such names, the number of the instrument, the date thereof, the amount secured thereby, when due, and the date of filing the same. Such instrument shall remain on file for the inspection of all persons interested. And every chattel mortgage of property so situated which heretofore has been filed with the respective registers of deeds of such counties, shall henceforth have the same force and effect as notice, as those executed and filed after the passage of this act.

Filing—index.

Effect.

SEC. 2. This act shall take effect from and after its passage.

Approved April 5th, 1895.

H. F. No. 148.

CHAPTER 103.

To amend Chap. 21 G. L. 1889.

An act amending an act prohibiting the sale of spirituous liquors in the vicinity of the State Fair grounds being chapter twenty-one (21) of the general laws for one thousand eight hundred and eighty-nine (1889).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter twenty-one (21) of the general laws of Minnesota for one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended so as to read as follows:

No liquors within one mile of state fair grounds.

Sec. 1. It shall hereafter be unlawful to sell, barter or otherwise dispose of any sprituous, malt or other fermented liquors, or intoxicating liquors of any kind, upon or within one (1) mile of the grounds conveyed to the state of Minnesota by the county of Ramsey, being the same grounds described in section one (1) of chapter one hundred and seventy-four (174) of the general laws of this state for the year one thousand eight hundred and eighty-five (1885) and known as the State Fair grounds.

Penalty.

SEC. 2. Any person who violates, or aids, or abets another in violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred (100) dollars nor more than two hundred and fifty (250) dollars, for the first offense; and not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for the second (2nd) or any subsequent offense, or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both fine and imprisonment in the discretion of the court.

SEC. 3. This act shall take effect and be in force from and after the date of its passage.

Approved February 23rd 1895.

S. F. No. 309.

CHAPTER 104.

To amend Chap. 250 G. L. 1889.

An act to amend chapter two hundred fifty (250) general laws eighteen hundred eighty-nine (1889) relating to the salary of the state treasurer's clerk.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That chapter two hundred fifty (250) general laws eighteen hundred eighty-nine (1889) be

and the same is hereby amended so as to read as follows:

Sec. 1. Beginning with the fiscal year ending July 31st eighteen hundred and ninety-five (1895) the annual salary of the chief clerk of the state treasurer's office shall be fifteen hundred (1,500) dollars. Which amount is hereby annually appropriated out of any moneys in the revenue fund not otherwise appropriated.

Salary of State Treasurer's clerk.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11th, 1895.

CHAPTER 105.

H. F. No. 383.

An act to amend chapter twenty-two (22) of the general laws of one thousand eight hundred and eighty-nine (1889), relating to the sale and lease of mineral and other lands belonging to the state of Minnesota.

To amend Chap. 22 G. L. 1889.

95 c 105
99-M - 220
108-NW 958

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter twenty-two (22) of the general laws of one thousand eight hundred and eighty-nine (1889) be and the same is hereby amended to read as follows: to-wit:

Section 1. The commissioner of the land office of the state of Minnesota is hereby authorized to execute leases and contracts for the mining and shipping of iron ore from any state lands now belonging to the state, or from any lands to which the state may hereafter acquire title, subject to the conditions hereinafter provided.

Leasing for mining.

Sec. 2. The application for a mineral lease as herein provided, shall be in such form as the state land commissioner may prescribe. It shall correctly describe the land desired to be leased, and shall consist of contiguous descriptions, which, in the aggregate, shall not exceed one hundred and sixty (160) acres in any one lease, unless some of the descriptions shall be fractional subdivisions, in which case the acreage may exceed the number above mentioned. Before any lease shall be granted, the applicant shall pay to the state treasurer the sum of twenty-five, (25) dollars, and in case two or more persons shall apply for a mineral lease at the same time, then the one who will pay the largest sum of money therefor shall be entitled to receive the lease first provided for in this act. *Provided further*, that in case any person or persons, whether as owners, lessees or

Mineral lease—what to contain.

Fees.

otherwise, shall have sunk, or shall hereafter sink mining shafts, or make other mineral developments, to the amount of not less than five thousand dollars ($5,000) in good faith under the presumption that the lands belonged to them, or that they had full legal right to operate thereon for iron ore or other minerals, which shall be ascertained to be upon lands belonging to the state or leased under the provisions of this act, such persons shall have a first or prior claim, on the terms above provided, to such developments and to a reasonable area or land to embrace and include such improvements. The holder of a mineral lease, secured as above provided, shall have the right to prospect for iron ore on the lands embraced therein, from the date of the lease up to the first (1st) of the following August, at which time said right shall terminate. *Provided*, that no iron ore shall be removed therefrom until a contract, as hereinafter provided shall have been executed. *Provided further* that any person, persons or corporation heretofore holding a lease under the provisions of sections one (1) and two (2) of chapter twenty-two (22) of the general laws of Minnesota for the year one thousand eight hundred and eighty-nine (1889), on any lands belonging to this state, who before the expiration of the term of such lease shall have applied to the commissioners of the state land office for a contract as hereinafter or in said chapter provided, or who may hereafter and during the continuance of said original lease make such application, and who prior to the expiration of such original lease shall have made payment, or if the same has not yet expired shall hereafter and before such expiration make payment of the amount due therefor to said land commissioner, shall have a prior right to demand and receive from said commissioner the contract hereinafter provided, and it shall be the duty of said state land commissioner and he is hereby directed to execute and deliver such contract to said person, persons, or corporation on demand.

Priority of claims.

Rights under lease.

95 c 105s 03 - 817

SEC. 3. At any time prior to the expiration of said lease, the lease holder, or any assignee thereof, shall have the right to obtain from the said commissioner of the state land office a contract, which shall bind the state of Minnesota, as the party of the first (1st) part, and the person, persons or corporation to whom said contract shall issue, as the party of the second part, in a mutual observance of the obligations and conditions as specified therein.

Contract.

In case of an assignment of the contract or lease the same shall be made in writing, signed by both parties thereto, witnessed by two witnesses, and acknowledged

before a notary public, and the approval of the land commissioner endorsed on the same. All leases, contracts or assignments herein referred to shall be filed in the office of the land commissioner.

SEC. 4. The contract provided for in section three (3) shall be as follows:

Form of contract.

This indenture made this .....day of..... A. D. one thousand eight hundred and ..... (18.....) by and between the State of Minnesota, party of the first part, and ..... part..... of the second part.

Witnesseth, That the party of the first part in consideration of the sum of one hundred dollars ($100), to it in hand paid by the part..... of the second part, being the first annual payment hereinafter provided for, the receipt whereof is hereby acknowledged, and in further consideration of the covenant and conditions herein contained, to be kept and performed by the part..... of the second part, does hereby contract, lease and demise to the part..... of the second part for a term of fifty (50) years, from and after the ..... day of....., one thousand eight hundred and..... (18.....) the following described land, situated in the county of ..... in the State of Minnesota, viz.: ....which premises are leased to the part..... of the second part for the purpose of exploring for, mining, taking out and removing therefrom, the merchantable shipping iron ore, which is, or which hereafter may be found on, in or under said land, together with the right to construct all buildings, make all excavations, openings, ditches, drains, railroads, wagon roads, and other improvements upon said premises, which are or may become necessary or suitable for the mining or removal of iron ore from said premises. *Provided*, however, that the part..... of the second part shall have, the right at any time to terminate this agreement in so far as it requires the part..... of the second part to mine ore on said lands, or to pay a royalty therefor, by giving written notice to the party of the first part, which shall be served by leaving the same with the commissioner of the state land office, who shall officially, in writing acknowledge the receipt of said notice and the foregoing lease shall terminate sixty (60) days thereafter, and all arrearages and sums which may be due under the same up to the time of its termination, as set forth in such notice shall be paid upon settlement and adjustment thereof. The party of the first part further agrees that the part..... of the second part shall have the right under this agreement to contract with others to work such mine or mines, or any part thereof, or to sub-con-

tract the same, and the use of said land, or any part thereof, for the purpose of mining for iron ore, with the same rights and privileges as are herein granted to the said part..... of the second part. The part..... of the second part, in consideration of the premises, hereby covenants and agrees to and with the party of the first part, that the part..... of the second part will, on or before the twentieth (20th) day of April, July, October and January in each year, during the period hereinbefore stipulated, or during the period this contract continues in force, pay to the treasurer of the state of Minnesota, for all the iron ore mined and removed from said land during the three (3) months preceding the first (1st) day of the month in which payment is to be made as aforesaid, at the rate of twenty-five (25) cents per ton, for all iron ore so taken out, mined and carried away, each ton to be reckoned at twenty-two hundred and forty (2240) pounds. The part..... of the second part at the time of such payment shall transmit to the commissioner of the state land office an exact and truthful statement of the amount of iron ore removed during the three (3) months for which such payment shall be made. The iron ore so taken by the party..... of the second part from said land, shall be weighed by the railroad company transporting the same from said land; which weight shall determine the quantity as between the parties hereto. Said part ..... of the second part shall furnish the commissioner of the land office monthly statements showing the aforesaid weights; the right, however, is hereby conceded to the party of the first part, by its duly authorized agents, to inspect, review and test the correctness of said railroad company's scales and weights at any time, and in such manner as may seem proper to adopt, it being understood that any errors in these respects, when ascertained, shall be cognizable and corrected.

The party of the second (2) part agrees to pay all taxes, general or specific, upon the land so leased which may be assessed either against said land and the improvements thereon, or the iron ore product thereof, or any personal property at said mines, during the continuance of this lease; just the same as though the lands herein leased were owned in fee by the said part..... of the second (2) part, and at the termination of this lease to quietly and peaceably surrender the possession of said land to the party of the first (1st) part. The party..... of the second part further covenants that within five (5) years from the completion of a railroad within one (1) mile of said land there shall be mined and removed therefrom at least one thousand (1,000) tons of iron ore, and at least five thousand (5,000) tons shall be annually

thereafter mined and removed therefrom, and in case the said part..... of the second part shall not annually remove from said land the five thousand (5,000) tons of ore, as above stipulated, the part..... of the second part shall pay into the treasury of the state of Minnesota a royalty of twenty-five (25) cents per ton on five thousand (5,000) tons, which payment shall be made quarterly as above specified.

Provided, further, that up to the time when the first (1st) one thousand (1,000) tons of ore is required to be mined and removed as hereinbefore specified, there shall be annually paid into the treasury of the state of Minnesota by the part..... of the second part the sum of one hundred (100) dollars, which payment shall be made on or before the first (1st) day of August of each year.

It is mutually understood and agreed that upon the termination of this agreement, whether by the acts of the parties, or either of them, or by limitation, the part ..... of the second part shall have ninety (90) days in which to remove all engines tools, machinery, railroad tracks and structures erected or placed by said part..... on said land, but shall not remove or impair any supports placed in the mines, nor any timber or frame work necessary to the use and maintenance of shafts or other approaches to the mines or tramways within the mines.

The part..... of the second part shall open, use and work the said mines in such manner only as is usual and customary in the skillful and proper mining operations of similar character when conducted by the proprietors themselves on their own lands, and so as not to do, cause or permit any unnecessary or unusual permanent injury to the same, or inconvenience or hindrance in the subsequent operating of the said mine, and in the working of such mine, the part..... of the second part shall deposit all earth, rock and other useless material or rubbish at such places and in such manner as will not conflict or embarrass the future operating of said mines.

The party of the first part expressly reserves to itself (and the part..... of the second part assents thereto) the right by its duly authorized agents, to enter into and upon the above described premises and any part or parts thereof, at any time or times, to inspect and survey the same, and measure the quantity of ores that shall have been mined or removed therefrom, not unnecessarily or unreasonably hindering or interrupting the operations of lessees.

The covenants, terms and conditions of this lease shall run with the land and be in all respects binding and operative upon all sublessees and grantees under the part..... of the second part.

It is further provided that the present lease is granted upon the express conditions that if the said annual payment or any part thereof, or the said royalty or any part thereof, be and remain unpaid after a period of sixty (60) days after due as provided herein, or in case the part..... of the second part fail to keep and perform any of the covenants or conditions herein expressed to be kept and performed by said part..... of the second part, then it shall be the duty of the land commissioner to cancel said lease, first having given the said part..... of the second part at least twenty (20) days' notice in writing whereupon the party of the first part shall re-enter and possess again as fully and completely as though no lease had been given to the said part..... of the second part, and they and all parties claiming under them shall be wholly excluded therefrom. The party of the first part reserves, and shall at all times have, possess and hold a lien upon all ore mined, and on all improvements made on said premises by the part..... of the second part, for any unpaid balances due on this contract. The party of the first part reserves the right to grant to any person or corporation the right of way necessary for the construction and operation of one or more railroads over or across the land herein leased, without let or hindrance from the part.....of the second part; but such railroad or railroads shall not manifestly or materially interfere with the mining operations carried on on said premises.

The party of the first part reserve the right to sell and dispose of under the provisions of law now in force or that may hereafter be enacted governing the sale of timber on state lands, all of the timber upon the lands herein leased, and reserving to the purchaser of such timber and to his authorized agents and servants, the right to enter upon said lands or any part or parts thereof at any time or times, to cut any or all of such timber purchased, according to the terms of the purchasers contract with the state, and the right to remove the same from the lands above described without let or hindrance from the part.....of the second part, but such purchaser or his agents shall not unnecessarily or materially interfere with the mining operations carried on on said premises.

Payments under contract.

SEC. 5. All payments under this act shall be made to the state treasurer on the order of the state auditor, and shall be credited to the permanent fund of the class of land to which it properly belongs.

SEC. 6. The land commissioner is hereby authorized and empowered in case the lessee under any lease, hereinbefore provided for fails or neglects to fully comply

with all the conditions and covenants of such lease, to at once enter upon the premises described in such lease and take possession of the same, any rule of law or equity to the contrary notwithstanding. Re-entry by state.

SEC. 7. Should copper, or any other valuable mineral be discovered on land and leased as heretofore authorized, the terms and conditions on which the same may be mined, shall be agreed upon by the state land commissioneer and the lessee, and in case they are unable to agree, then each shall choose a referee—the two (2) persons thus selected shall choose a third. The decision of said board shall be final and binding on the parties in interest. Discovery of valuable minerals.

SEC. 8. The state land commissioner is hereby authorized to lease state lands for hay or grass privileges, subject to such restrictions as he may prescribe; *provided* that no such lease shall be for more than one (1) calendar year. Leasing state lands.

SEC. 9. Whenever state lands situated in the counties of St. Louis, Lake and Cook are sold, for which contracts or patents are issued, it shall be proper for the land commissioner of the state land office to indorse across the face of such contracts or patents the following words; "All mineral rights reserved to the state." The effect of such indorsement shall be to reserve to the state all mineral rights. Reserving mineral rights.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved April 24th, 1895.

CHAPTER 106.

H. F. No. 488.

An act to amend chapter fifty-six (56) of the general laws of eighteen hundred and ninety-one (1891), entitled "An act to establish and create a public park to be known and designated as the Itasca State Park, and authorizing condemnation of lands for park purposes." Itasca State Park.

Be it enacted by the Legislature of the state of Minnesota:

That chapter fifty-six (56) of the general laws of eighteen hundred and ninety-one (1891), entitled "An act to establish and create a public park to be known and designated as the Itasca State Park, and authorizing condemnation of lands for park purposes, be amended as follows:

SECTION 1. That section six (6), township one hundred and forty-two (142), range thirty-five (35); Territory included.

sections six (6), seven (7), eighteen (18), nineteen (19), thirty (30), and thirty-one (31), township one hundred and forty-three (143), range thirty-five (35); sections one (1), two (2), three (3), four (4), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24) twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty-three (33), thirty-four (34), thirty-five (35), and thirty-six (36), township one hundred and forty-three (143), range thirty-six (36); and sections one (1), two (2), three (3), and four (4), township one hundred and forty-two (142), range thirty-six (36), or so much thereof as the state is now or may hereafter become seized, shall be set apart and perpetually used as a public park.

Name.

SEC. 2. The name of said park shall be the Itasca State Park, and the same is by this act dedicated to the perpetual use of the people of this state under the proper restrictions hereinafter provided, or which may be hereinafter provided by law.

State auditor to have charge.

SEC. 3. The general care and supervision of the Itasca State Park, until otherwise provided for, shall be vested in the state auditor, acting as state land commissioner.

Trespassers—how punished.

SEC. 4. Any person who shall wilfully cut, destroy or mutilate or who shall cause to be wilfully cut, destroyed or mutilated, any tree, shrub, timber, evergreen, or plants of any kind, or who shall kill, cause to be killed, or pursue with intent to kill, any moose, bear, deer, fox, otter, porcupine, mink, or other wild animal in said park, or who shall in any other manner without the consent of the person in charge, and then only with a hook and line held in the hand, take any fish from the waters of said park, or who shall in any manner whatsoever take or catch any fish in the waters of said park for the markets of the state, or who shall in any manner whatsoever raise or cause to be raised, lower or cause to be lowered, any of the lakes or streams within said park, or the waters therein; or who shall set, or cause to be set, any fire therein, or who shall in any manner whatsoever at any time or place within said park, willfully hunt and cause to be discharged any firearms at any animal, bird, fowl or fish, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for the first offense fifty (50) dollars; for the second offense two hundred (200) dollars, and for the third or further offenses he shall be fined and imprisoned in the county jail not less than ninety (90) days, nor more than one (1) year, and the provisions of this section

shall apply to all manner of persons, including Indians. All offenses charged for misdemeanors, as hereinbefore provided, shall be tried and determined under the general laws of this state applicable to the trial of criminal actions in like causes; and whenever the commissioner or other person shall make complaint in writing to the district court, or a judge thereof, setting forth that any said offenses have been committed, or are about to be committed whereby any of the timber of said park has been taken, or is about to be destroyed in any manner, it shall be the duty of the district judge to promptly and without delay issue an order of injunction against all trespassers who in any manner whatsoever destroy or injure, or who are about to destroy or injure any of the timber, trees, evergreens or shrubs within said park, belonging to or under control of the state.

Disposition of school lands included.

SEC. 5. The state auditor shall take proper proceedings, under existing laws, relative to the appraisal and sale of school lands, to cause the transfer of the school lands in said park for park purposes, and at the sale thereof the same shall be bid in by the state for such park purposes.

Commissioner —appointed.

SEC. 6. The governor shall appoint a qualified resident of this state as commissioner, who shall hold his office until removed by the governor.

Duties of Commissioner.

The said commissioner shall file with the state auditor his oath to support the constitution of this state, and to conscientiously perform the duties of his office. The commissioner shall reside within the limits of the park. The governor is hereby authorized to cause to be erected suitable buildings for the accommodation of the park commissioner at a cost not to exceed one thousand (1,000) dollars. The park commissioner is hereby authorized to utilize a tract of land for agricultural purposes, not exceeding twenty (20) acres in and, with the privilege of keeping not to exceed ten (10) head of stock, and the right to use for fuel porposes any dead or down timber, and a further right to entertain any visitors in said park at a schedule of charges to be approved by the governor. It shall be the duty of the park commissioner, under the direction of the governor, to carefully guard and protect the fish, game and forests of said park, and to prevent the destruction or mutilation of any of its timber, and to preserve the park in its natural condition, and to warn all persons against setting fires in the park. Said commissioner shall annually, on or before the first day of December of each year, report to the governor the condition of the park, amount of fines collected and number of suits instituted for violation of the park law, together with such other informa-

tion as shall be deemed of public interest, or required by the governor.

Territory—how acquired.

SEC. 7. The attorney general is hereby authorized, when requested by the governor, to take all reasonable steps to procure from landed property owners, railroad companies, corporations, or individuals owning lands within the limits of said park, concessions to the state for park purposes by contract or deed, subject to the approval of the governor. In case any tract or parcel or parcels of land within the limits of said park cannot be satisfactorily secured, the governor may direct the attorney general to institute for and on behalf of the state proceedings in condemnation, as now provided by law, for condemning and converting private property within the limits of the state to public use. Whenever any proceedings in condemnation are had and taken for the condemnation and conversion of any of said lands, all of the provisions of an act approved. March ninth (9th), eighteen hundred and seventy-four (1874), entitled "An act to provide for obtaining title to lands, by the state of Minnesota for the use of the state." And all amendments thereto, shall be applicable in all proceedings for the condemnation herein provided for.

Compensation of Commissioner.

SEC. 8. The compensation of said commissioner shall be six hundred (600) dollars per annum, which is hereby appropriated annually out of the state treasury, out of any moneys not otherwise appropriated, for the purpose of paying such commissioner. The further sum of one thousand (1,000) dollars or so much thereof as may be necessary is hereby appropriated for the purpose of erecting suitable buildings for the accomodation of the park commissioner.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 107.

H. F. No. 862.

An act to amend chapter ten (10) of the general laws of A. D. eighteen hundred and eighty-seven (1887); entitled "An act to regulate common carriers and creating the Railroad and Warehouse Commission of the State of Minnesota, and defining the duties of such commission in relation to common carriers," as amended by chapter one hundred and six (106) of the general laws of A. D. eighteen hundred and ninety-one (1891.)

R. R. and warehouse commission.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision "(D)" of section fifteen (15) of chapter ten (10) of the general laws of eighteen hundred and eighty-seven (1887), as amended by section three (3) of chapter one hundred and six (106) of the general laws of A. D. eighteen hundred and ninety-one (1891) be and the same is hereby amended to read as follows:

"(D.)" Any railroad company or common carrier, affected by any order of the commission except administrative orders hereinafter referred to "may at any time within the period of thirty (30) days after the service of it upon him or it of such order, appeal therefrom to the district court of the county in which the complainants or a majority thereof, reside, or have a legal existence, by the service of a written notice of such appeal on some member or the secretary of such commission.

Amendment as to appeals.

"And upon the taking of such appeal and the filing of the notice thereof, with the proof of service, in the office of the clerk of the district court, there shall then be pending in such district court, a civil action of the character and for the purposes mentioned in sections eight (8) eleven (11) and fifteen (15) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887), as amended by this act. Upon such appeal, and upon the hearing of any application by the commission or by the attorney general, for the enforcement of any such order made by the commisson, the district court shall have jurisdiction to, and it shall, examine the whole matter in controversy, including matters of fact as well as questions of law, and to affirm, modify or reverse such order in whole or in part, as justice may require; and in case of any order being modified, as aforesaid such modified order shall for all the purposes contemplated by this act, stand in place of the original order so modified and have the same force and

effect throughout the state as the orders of said commission. Appeals referred to in this act shall not apply to administrative orders made in pursuance to section ten (10) of chapter ten (10) of the general laws of eighteen hundred and eighty-seven (1887).

No appeal as aforesaid shall stay or supersede the order appealed from unless the court hearing and deciding such case, upon application and notice to the other party, shall so direct.

The remedies herein provided for shall be in addition to all existing legal and equitable remedies.

SEC. 2. This act shall be in force and effect from and after its passage and approval.

Approved April 25th, 1895.

S. F. No. 742.

CHAPTER 108.

B. & L. associations (general.)

An act to amend chapter 131 of the general laws of 1891, relating to building, loan and savings associations doing a general business.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter one hundred and thirty-one (131) of the general laws of 1891 be and the same is hereby amended by inserting therein after section twenty-seven (27) the following section, to be known as section twenty-seven and one-half (27½):

Contingent fund required.

Sec. 27½. Every association shall, in addition to the contingent fund provided for by section twenty-seven (27) of this act, set apart out of the net profits of each year, for a contingent or reserve fund, a sum not less than five (5) per centum and not to exceed ten (10) per centum of such net profits for that year *Provided*, that such contingent or reserve fund shall not at any time exceed the sum of five (5) per centum of the total assets of such association, the same to be used for the purposes of making good any loss by depreciation of stock and not otherwise.

SEC. 2. That section thirty-five (35) of said chapter one hundred and thirty-one (131) be and the same is hereby amended so as to read as follows:

Members—how taxed.

Sec. 35. The amount standing to the credit of each member of any such association, upon its books; shall be considered and held as the individual credit of such member, and each member shall list the shares held by him for taxation at their real value in money in the county of his residence, the same as other credits are listed.

SEC. 3. This act shall not apply to any association organized under the laws of this state which confines its loaning and business operations wholly to its county and the counties adjacent and adjoining thereto; *provided*, that any such association heretofore incorporated which desires hereafter to confine its business to adjacent counties as aforesaid, may file with the public examiner a statement to that effect, and also containing the names of those holding the amount held by them of the stock of said association outside such counties, and so long as such association thereafter confines its sales of stock within the limits aforesaid it shall not be subject to the provisions hereof; and any sales of stock outside the limits of said counties, made after filing of such statements by any officers, director or agent of any association shall subject such person to all the penalties prescribed in section twenty-four of this act; *provided further*, that nothing in this section shall be so construed to prevent the bona fide sale or transfer of the individual stock of any member of such association.

Locals—not affected.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 109.

H. F. No. 768.

An act to amend section one (1) of chapter forty-one (41) of the general laws of Minnesota for the year eighteen hundred and ninety-one (1891) relating to costs in actions to recover the value or agreed price of labor or services performed.

Costs in actions for agreed price of labor.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter forty-one (41) of the general laws of Minnesota for the year one thousand eight hundred and ninety-one (1891) be and the same is hereby amended so as to read as follows, viz.:

"If any person, partnership, or corporation, having employed any person to perform any labor, or render any services, shall neglect or refuse to pay the agreed price for such services or labor, if the price therefor has been agreed upon, or the reasonable value thereof, if the price has not been agreed upon, for thirty days after the same becomes due and payment has been demanded and the same shall be recovered by action, there shall be allowed and taxed for the plaintiff and included in

the judgment in addition to his costs and disbursements as now allowed by law, five (5) dollars costs, if the judgment be recovered in a justice or municipal court, and double the costs heretofore provided by law, if the judgment be recovered in a district court, or the supreme court of this state."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

H. F. No. 309.

CHAPTER 110.

School districts

An act to amend an act entitled "An act to provide for the organization of school districts."

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six (6) of chapter twenty-six (26) of the general laws of eighteen hundred and ninety-one (1891) be and the same is hereby amended so as to read as follows:

New districts—what territory to include.

Sec. 6. No new district organized under the provisions of this act shall be so formed as to include the school building of any existing district; but where an existing district contains two (2) or more school buildings, the district so formed may include not to exceed one (1) of such buildings; nor shall any of the territory incorporated into such new district be thereby relieved of any obligation to which it was subject prior to the formation of snch new district as part of another district; and where a district from which any portion of such new district shall be detached was prior thereto bonded for school purposes, the real estate embraced in the territory so detached shall be taxed for the payment of such bonds and the interest thereon, in the same manner as if such territory had not been so detached. No school district shall hereafter be organized in this state otherwise than in accordance with the provisions of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

CHAPTER 111.

S. F. No. 406.

An act to amend chapter 146 of the general laws of 1885, as amended by chapter 167 of general laws of 1889 and by chapter 124 of the general laws of 1891, relating to providing for establishing and conducting a state public school.

Be it enacted by the Legislature of the state of Minnesota:

State public school.

SECTION 1. That chapter one hundred and forty-six (146) of the general laws of eighteen hundred eighty-five, as amended by chapter one hundred and sixty-seven (167) of the general laws of eighteen hundred eighty-nine, and by chapter one hundred and twenty-four (124) of the general laws of eighteen hundred ninety-one be amended so as to read as follows: There shall be received into said school those children who have been declared to be dependent on the public for support, abandoned, negelected, or ill treated, as provided in this act as follows:

Girls who are over one and under fifteen years of age, and boys who are over one and under sixteen years of age, and sound in mind and free from disease.

That said board is authorized in admitting children to give preference to those under twelve years of age.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1895.

CHAPTER 112.

H. F. No. 178.

An act entitled an act to amend section fourteen (14) of chapter thirteen (13) of the general laws of Minnesota for 1891, relating to the formation and operation of farmers' mutual fire insurance companies.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section fourteen (14) of chapter thirteen (13) of the general laws of Minnesota for 1891, entitled "An act authorizing the formation of Farmers' Mutual Fire Insurance companies," be, and it hereby is amended so as to read as follows:

Farmers Mutual Fire Ins. Co.s—scope.

"Sec. fourteen (14.) No corporation formed under this act shall insure any property outside the state of Minnesota, nor any property other than detached dwell-

ings, country school houses and country churches and farm buildings, and the contents of said dwellings, school houses, churches and buildings, and live stock while on the premises or running at large, and hay, grain, and other farm products while in the stock, bin, crib or granary and all farm machinery and utensils, including wagons and carriages, upon such premises, nor shall it insure any property whatever in any incorporated city or village unless entirely detached and used for farm purposes only."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25, 1895.

H. F. No. 360.

CHAPTER 113.

An act to amend section one (1) title S chapter one hundred sixty-two (162) of the general laws of eighteen hundred and ninety-one (1891) relating to a bridge across the Zumbro river in Olmsted county.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) title S. of chapter one hundred and sixty-two (162) general laws of eighteen hundred and ninety-one (1891) be amended so as to read as follows:

Section 1. That the sum of six hundred (600) dollars is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first money coming into the treasury for said fund, not already appropriated, to aid in the building a bridge across the Zumbro river in the town of Oronoco in the county of Olmsted, at a point at or near Frank's Ford, being on or within twenty rods of the center line running east and west of section twenty-six (26) in township one hundred and eight (108) north of range fourteen (14) west; being in said Olmsted county, Minnesota.

Zumbro river bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

CHAPTER 114.

H. F. No. 344.

An act to amend chapter one hundred and thirty-seven (137) of the general laws eighteen hundred and ninety-one (1891), fixing the times of holding the general terms of court in the Eleventh (11th) judicial district.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Section one (1) of chapter one hundred and thirty-seven (137) of the general laws of eighteen hundred and ninety-one (1891) is amended so as to read when amended as follows:

Terms of court in eleventh district.

The general terms of the district court of the Eleventh judicial district of this state shall be held at the times following:

In the county of Carlton on the first (1) Tuesday in April and the third (3) Tuesday in October in each year.

In the county of St. Louis on the first (1) Wednesday in January, the first (1) Wednesday in March, the first (1) Wednesday in May, the first (1) Wednesday in September, and the first Wednesday in November of each year, *provided* that no term of said court shall be held in March eighteen hundred and ninety-five (1895).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1895.

CHAPTER 115.

H. F. No. 380.

An act to amend chapter nine (9) of the general laws of Minnesota for the year eighteen hundred and ninety-one (1891), as amended by chapter one hundred and twenty-four (124) of the general laws of Minnesota for the year eighteen hundred and ninety-three (1893), relating to the preservation, propagation and protection of the game and fish of the State of Minnesota.

Preservation and protection of game and fish.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter nine (9) of the general laws of the State of Minnesota for eighteen hundred and ninety-one (1891), as amended by section one (1) of chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota

for eighteen hundred and ninety-three (1893), be amended so as to read as follows, to-wit:

Board of game and fish commissioners—appointment—expenses—executive agent.

Section 1. There is hereby created a board to be known by the name of the Game and Fish Commissioners of the State of Minnesota, which board shall be composed of five (5) members, who shall be appointed by the governor for the term of two (2) years, and who shall serve without compensation, either direct or indirect (except that they shall be allowed annually for all expenses and salary the sum of not to exceed five hundred (500) dollars), and shall constitute the first (1st) board under the provisions of this act. That said board from time to time, may appoint one of its members to act and exercise for it, when it shall not be in session, all the rights, powers and authority vested in it; he shall be known as the "executive agent" of the board of game and fish commissioners of the State of Minnesota, and shall hold such office during the pleasure of said board, be subject to their direction and control, and receive such compensation as they shall determine to be reasonable for the services rendered, not exceeding twelve hundred (1200) dollars per annum and expenses, not to include office rent, while in the performance of his duties, and may, if he elect, keep and maintain his office and headquarters at the capitol building in the city of St. Paul.

Amendment of Sec. 2 Chap. 124 laws 1893.

SEC. 2. That section two 2) of chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), be amended as follows, to-wit:

By striking out the words "six thousand (6,000) dollars in each year" wherever it occurs in said section, and substituting in place thereof the words, "nine thousand (9,000) dollars for each year."

SEC. 3. That the following portion of section five (5) of said chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), to-wit:

Amending Sec. 5, id.

"Wild duck of any variety, or any variety of wild goose or brant, or any variety of snipe, or any variety of any aquatic fowl whatever, between the first (1st) day of September and the twenty-fifth (25th) day of April following; but no person shall be permitted to kill any such aquatic fowl while nesting or in localities where they are accustomed to build their nests during the nesting period."

Be amended so as to read as follows, to-wit:

Wild duck of any variety, or any variety of wild goose, brant, or any variety of snipe or aquatic fowl, whatever, between the fifteenth (15th) day of April and the

first (1st) day of September following; except that golden or prairie plover may be caught, taken, killed and had in possession between the first (1st) day of September and the first (1st) day of June following; but no person shall be permitted to kill any such fowl while nesting or in localities where they are accustomed to build their nests during the nesting period:

The following portion of said section five (5), to-wit:

No person shall catch, take, kill or have in possession or under control for any purpose whatever at any time, any whip-poor-will, night hawk, blue bird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle dove and cat birds, or any other harmless bird, except black birds and sparrows, except as hereinafter allowed; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets.

Be amended so as to read as follows, to-wit:

No person shall catch, take, kill or have in possession or under control for any purpose whatever, at any time, any whip-poor-will, night hawk, blue bird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle dove, cat birds, spotted sand piper, pie bill greve or hell diver, cormorant, bittern and great blue heron, gull or any other harmless bird, except black birds and English sparrows, except as hereinafter allowed; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets.

Amending Sec. 8, id.

SEC. 4. That section eight (8) of said chapter be amended so as to read as follows:

No person at any time shall set, lay or prepare any trap, snare net, bird lime swivel gun or any other contrivance or device whatever with intent to catch, take or kill any of the birds in this act mentioned, nor make use of any artificial light, battery or any other deception, contrivance or device whatever with the intent to attract or deceive any of the birds in this act mentioned, except that decoys and blinds may be used in hunting wild geese and ducks, but no person shall at any time hunt or shoot from any boat, canoe, contrivance or device whatever on any waters in this state between dark and daylight.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty (20) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty (60) days nor more than ninety (90) days.

Amending Sec. 9, id.

SEC. 5. That section nine (9) of chapter one hundred and twenty-four (124) of the general laws of the state

of Minnesota for eighteen hundred and ninety-three (1893) be amended to read as follows, to-wit:

No person shall catch, take, kill or have in possession or under control for any purpose whatever, any fawn at any time, nor any elk, moose or caribou, before the first (1st) day of January, eighteen hundred and ninety-eight (1898), nor any variety of deer at any time between the twentieth (20th) day of November and the first (1st) day of November following, except that when the same have been lawfully caught, taken or killed, they may be had in possession or under control for five (5) days after the time herein limited for use, in the manner and for the purpose herein allowed.

No person shall take, catch or kill more than five (5) deer during any one open season.

All carcasses, saddles, or parts of venison; all game, birds and all protected fish inclosed in any covering, when shipped or transported by any common carrier, public or private conveyance shall be marked in plain letters in the English language, the kind of game with the full name of the owner, to whom shipped, and the destination of such shipment.

Provided, that it shall be unlawful for any person to consign by common carrier to any commission merchant or sale market, at any time, any elk, moose, caribou or deer or any part thereof, except the skin or head.

This provision shall also apply to any agent of any common carrier so consigning or handling such game.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than sixty (60) days nor more than ninety (90) days for each and every such animal so caught, taken or had in possession or under control, or so consigned, shipped or transported.

Amending Sec. 11, id.

SEC. 6. That the following clause of section eleven (11) of chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), to-wit:

"It shall be lawful for any person to kill or attempt to kill any dog while being used in violation of any provision of this section,"

Be amended so as to read as follows:

That any dog while being used or attempted to be used in violation of any provision of this section is hereby declared to be and is a public nuisance, and it shall be lawful for any person to kill or attempt to kill any dog while being so used or attempted to be so used.

SEC. 7. That section thirteen (13) of chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893) be amended so as to read as follows:

Amending Sec. 13, id.

No person shall at any time enter into any growing or standing grain not his own, with intent to catch, recover, take or kill any bird or animal, nor permit any dog with which he shall then be hunting to do so for such purpose without permission from the owner or the person in charge thereof. No person shall, at any time, enter upon land not his own with intent to catch, recover, take or kill any bird or animal after being notified not to do so by the owner or occupant thereof.

Such notice may be given orally, in writing or print or by posting notices to that effect in the English language in conspicuous places on the land sought to be protected. Any person offending against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than five (5) dollars nor more than ten (10) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than fifteen (15) days.

Nothing in this act contained, however, shall be so construed as to limit or in any manner affect the remedy of the owner or occupant of any such lands or grain at common law or under the statutes of this state for trespass.

SEC. 8. That the following portion of section fourteen (14) of chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for the year eighteen hundred and ninety-three (1893) to-wit:

Amending Sec. 14, id.

"Nor any other food fish (except that whitefish, lake trout, lake herring, sturgeon, pickerel and any variety of pike, except that commonly known as glass-eyed or wall-eyed pike, may be caught and taken in all international waters at any time) between the first (1st) day of December and the fifteenth (15th) day of April following, be amended so as to read as follows:

"Nor any other food fish (except that whitefish, lake trout, lake herring, sturgeon, pickerel and any variety of pike, except that commonly known as glass-eyed or wall-eyed pike, may be caught and taken in all international waters at any time) between the first day of March and the first day of May following."

That the following portion of section fourteen (14) of chapter one hundred and twenty-four (124) of the general laws of eighteen hundred and ninety-three (1893), to-wit:

"Any variety of trout between the first (1st) day of

October, and the first (1st) day of April following." be amended so as to read as follows:

Any variety of trout between the first day of September and the first (1st) day of May following.

SEC. 9. That section fifteen (15) of chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for eighteen hundred and ninety-three (1893) be amended so as to read as follows, to-wit:

No person at any time shall catch, take or kill any fish in any other manner than by angling for them by a hook and line held in the hand or attached to a rod or pole (except that suckers, dogfish and buffalo fish may be taken with a spear at any time); or have in possession any fish caught, taken or killed in any other manner; except that a pound net may be used for catching whitefish, lake trout, lake herring, sturgeon, pickerel, buffalo fish and any variety of pike in all international waters; and except further, that a pound net may be used in all those waters lying between the states of Minnesota and Wisconsin, and the states of Minnesota and North and South Dakota, for catching whitefish, sturgeon, red horse, dog fish, gar fish, buffalo fish, catfish, pickerel and suckers; *provided*, that no such net shall be set or used within a distance of one thousand (1000) feet of the mouth of any river or stream.

Provided further, that the meshes in the net used for catching such whitefish, sturgeon, lake trout, pickerel, red horse, gar fish, dog fish, buffalo fish, catfish and suckers shall be not less than four (4) inches in size of mesh, when the same is extended. But before using any such net in the waters between the states aforesaid, the party or parties desiring to use or operate such net shall first make application therefor to the board of game and fish commissioners of the state, for permission to use said net, which application shall state the name of the party, the place where desired to be used and which application shall be accompanied by a fee of five (5) dollars for each net used. The said board shall issue a permit for the use of such net to said applicant, which permit shall be for one season only. The person to whom such permit or license is issued shall not change the location of such net without first giving written notice of his intention so to do, to the said board, and in such notice describing the place to which he intends to remove his net, for which he then holds a permit or license, and that the size and mesh of the net used for catching lake herring shall not be less than two and one-half (2½) inches in size of mesh when the same is extended, and except further, that in all the inland lakes of the state a net may be

used for the purpose of taking whitefish or tulipies, during the month of November in each year, which said net shall not exceed one hundred (100) feet in length and eight (8) feet in width, and the meshes of which net shall not be less than three and one-half (3½) inches in size of mesh when the same is extended, and provided any person desiring to use such net shall first make application for a permit for such use of said net, to the board of game and fish commissioners of this state, stating that the same is to be used by them for the purpose of obtaining fish for their domestic use, and not for commercial purposes, which application shall be accompanied by a fee of one (1) dollar. But no person or family making such application shall be permitted to use more than two nets of the size and description above mentioned. Said board may also authorize residents of this state to take with spear during the months of December, January and February from the inland lakes for home consumption and use, any fish except bass, wall-eyed pike and trout. The permit issued by said board shall be for one (1) season only. All permits issued by said board may be revoked by them at any time when the holder thereof is found to be exceeding or violating the terms thereof, and no further permit shall be issued to such party during that season.

Provided further, that a net for catching minnows for bait may be used in all waters uninhabited by any variety of trout. And no person, persons, corporation or association shall at any time catch, take, kill or have in possession or under control any black bass, gray or Oswego bass, silver bass, croppies, rock bass, any variety of pike, perch or trout, taken or killed in the inland lakes, ponds or rivers in the state of Minnesota, with intent to ship the same out of this state, or with intent to allow or aid any such shipment.

Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days for each violation of this section.

Amending Sec. 36, id.

SEC. 10. That section thirty-six (36) of said chapter one hundred and twenty-four (124) of the general laws of the state of Minnesota for eighteen hundred and ninety-three (1893), be amended by adding thereto the following, to-wit:

The board of game and fish commissioners of Minnesota upon application from the board of game and

fish commissioners of any other state, are authorized and empowered to obtain and secure alive specimens of the game, birds, animals and fish of the state of Minnesota and to sell or exchange and ship such specimens to such board of game and fish commissioners, to any point outside of the state of Minnesota; but such specimens shall be used only for breeding or for propagation of the same species.

SEC. 11. That section thirty (30) of said chapter one hundred and twenty-four (124) be amended so as to read as follows to-wit:

Amending Sec. 30, id.

Any and all devices, contrivances, materials and substances whatever, while in use or had and maintained for the purpose of catching, taking, killing, attracting or deceiving any bird animal or fish contrary to any of the provisions of this act, including fish houses erected or maintained upon the ice or in any waters or on the shore of any lake, pond or stream for the purpose of being used to aid in the violation of any provision of this law, is hereby declared to be and is a public nuisance, and it shall be the duty of all the members of the board of game and fish commissioners, all game wardens, sheriffs and their deputies, constables and police officers of this state, without warrant or process to take, seize, abate and destroy, any and all of the same, while being used or had or maintained for or on account of such taking, seizing, abating or destruction.

Any complaint or objection made by any person to such taking, seizure, abating or destruction, shall be prima facie evidence that such person was using and had and maintained the same in violation of the provisions of this act at the time it was so taken, used, abated or destroyed.

Amending Sec. 41, id.

SEC. 12. That section forty-one (41) of said chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for eighteen hundred and ninety-three (1893) be amended so as to read asfollows, to-wit:

All prosecutions under this act shall be commenced within one (1) year from the time the offense was committed, before any court having jurisdiction of the offense.

SEC. 13. That section forty-three (43) of said chapter one hundred and twenty-four (124) be amended so as to read as follows, to-wit:

The sum of twelve thousand (12,000) dollars from January first (1st), eighteen hundred and ninety-five (1895), and thereafter the sum of fifteen thousand (15,000) dollars annually beginning with August first (1st), eighteen hundred and ninety-fiive (1895), is here-

by appropriated for the purpose of carrying out and enforcing the provisions of this act, to be paid for such purpose out of any moneys in the state treasury not otherwise appropriated.

SEC. 14. That section forty-four (44) of said chapter one hundred and twenty-four (124) of the general laws of the State of Minnesota for eighteen hundred and ninety-three (1893), be amended by adding thereto the following, to-wit:

Amending Sec. 44, id

That chapter two hundred and thirty-seven (237) of the special laws of eighteen hundred and seventy-eight (1878), chapter three hundred and forty-six (346) of the special laws of eighteen hundred and eighty-one (1881), and chapter three hundred and fifty (350) of the special laws of eighteen hundred and eighty-seven (1887) are hereby repealed.

SEC. 15. That section two (2) of said chapter one hundred and twenty-four (124) be amended by adding thereto the following:

Amending Sec. 2, id.

It shall be the duty of said board to elect one (1) of their number as treasurer, such treasurer shall have the custody of the funds of said board and shall, before entering upon the discharge of his duty as such treasurer, give a bond to the State of Minnesota, with two (2) sureties in the sum of three thousand (3,000) dollars, for the faithful discharge of his duties as such treasurer, such bond and sureties to be approved by said board.

SEC. 16. That section forty-two (42) of said chapter one hundred and twenty-four (124) be amended by adding thereto the following:

Said board of game and fish commissioners are hereby authorized to offer and pay over out of any monies subject to their order, a reward of ten (10) dollars for the conviction of any person for the violation of any of the provisions of this act, such reward to be paid to the person claiming the same, upon his furnishing to said board of game and fish commissioners, a certified copy of the docket of the justice of the peace before whom the person convicted of said offense has been convicted, when convicted, the offense for which he was convicted, the sentence imposed for such conviction; *provided* that the fine so imposed shall equal ten (10) dollars and shall have been paid to the treasurer of said board.

Amending Sec. 42, id.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved April 8th 1895.

H. F. No. 16.

CHAPTER 116.

An act amending chapter one hundred and forty-seven (147), laws of eighteen hundred and ninety-three (1893), the same being an act granting a reward for killing wolves.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3), of chapter one hundred and forty-seven (147), of the laws of eighteen hundred and ninety-three (1893) be and the same is hereby amended by adding thereafter the following proviso:

Wolves.

Provided, that wherever any such wolves are killed in a township without a township organization, then the scalp with ears entire shall be exhibited to the county auditor, and the certificate of the town board shall not be required, but all other provisions of said chapter one hundred and forty-seven (147) shall be complied with.

SEC. 2. This act shall take effect and be in full force from and after its passage.

Approved February 19th, 1895.

H. F. No 499.

CHAPTER 117.

An act to amend chapter one hundred and forty-seven (147) of the general laws of Minnesota for the year eighteen hundred and ninety-three (1893) the same being "An act granting a reward for killing wolves."

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Section one (1) of chapter one hundred and forty-seven (147) of the general laws of Minnesota for the year eighteen hundred and ninety-three (1893) is hereby amended so as to read as follows:

Wolves.

Section one (1.) "Every person who shall kill a full grown female wolf during the months of January, February, March, April, and May shall be entitled to a reward of fifteen (15) dollars, or any male wolf five (5) dollars or any cub, five (5) dollars, and every person who shall kill any wolf at any other season of the year shall be entitled to a reward of five (5) dollars; one-third (⅓) of which shall be paid by the county wherein the wolf or wolves shall be killed and two-thirds (⅔) thereof shall be paid by the state."

SEC. 2. Section six (6) of said chapter one hundred and forty-seven (147) of the laws of Minnesota for the year eighteen hundred and ninety-three (1893) is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 118.

H. F. No. 141.

An act to amend chapter two (2), as amended by chapter three (3) of the general laws of one thousand eight hundred and ninety-three (1893), entitled "An act to provide a new capitol for the state of Minnesota."

New state capitol.

Be it enacted by the Legislature of the state of Minnesota:

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SECTION 1. That section eight (8) of said chapter two (2) as amended by chapter three (3) of the general laws of one thousand eight hundred and ninety-three (1893), be and the same is hereby amended so as to read as follows:

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Section eight (8). The board of state capitol commissioners, as soon as practicable after the passage of this act, shall proceed to select a plan for a suitable capitol building for the state of Minnesota, said plan to be secured by competitive contest, and the following rules shall govern the board:

Commissioners to select a plan.

First (1st). The building shall be planned so that it can be properly built, with ample light and air, upon a lot surrounded by streets or open ground. The building shall be supplied with proper heating, lighting and ventilating apparatus, and with necessary sanitary arrangements.

Rules for competition.

Second (2nd). The designs submitted shall be for a fire-proof building, and one that can be completed at a cost, including site and all other expenses, not exceeding two million (2,000,000) dollars.

Third (3rd). The competitive drawings shall be accompanied by a typewritten description designating the materials the author proposes using in the construction of building, and such other general information that cannot be shown on the several drawings, as may be necessary to accurately determine the cost of the building. No drawings or documents other than those herein called for shall be received.

Fourth (4th). Every design shall be excluded from competition as to which it appears that any attempt is

made by its author to influence the decision of the members of the board or their advisors; or if it in any particular violates the conditions herein stated, or if it be found that its probable cost will exceed the limits herein named.

Fifth (5th). From the designs furnished which conform to these conditions the board may select one to be the design for the new state capitol. This design shall be in the possession of the state, but shall remain the property of the architect or firm who made it, and shall not be used in whole or in part except said architect or firm is employed as architect and superintendent of the building: but said board may reject any and all plans and proceed anew, until a satisfactory plan is secured.

Sixth (6th). The board shall secure one (1) or more architects of reputation, who shall not be competitors, to assist them. The architect or architects, with such members of the board as may be selected by the board to serve them, shall form a committee to examine and recommend the most desirable plan.

Provided, however, that the commission shall not adopt any plan unless it shall first have received the approval of a majority of the commission. The architect or architects provided for by this subdivision shall be subject to the provisions of section six (6) of this act. Four premiums shall be given to the aggregate amount of three thousand (3,000) dollars, to be awarded to the designs adjudged to stand in point of merit second (2nd), third (3rd), fourth (4th), fifth (5th); the accepted design to receive no premium other than the fee allowed by the board for designing and superintending the said building; but in the event that the board should reject all plans and hold a new competition, they may pay such sums not exceeding the amount herein named, as premiums, to the designs adjudged to stand in point of merit, first (1st), second (2nd), third (3rd), fourth (4th) and fifth (5th) in the first competition as, in the judgment of said board, may appear to be just and equitable.

Seventh (7th). No design shall be received after the date fixed for submission of plans. All drawings shall be exhibited in public at least two (2) weeks before the award is made. All drawings shall be the property of the architects or firms submitting them, and only used in whole or in part by agreement with and compensation to their authors. All rejected drawings shall be called for within thirty (30) days after the decision of the competition, after which time the board shall no longer be responsible for them.

Eighth. The board shall issue to all architects upon

request a printed schedule of the requirements for the building, including a list of the number and approximate area of the rooms, and such other general conditions as are essential to clearly set forth the requirements of the building.

Ninth. The board is hereby vested with power at any time after the construction of the capitol building has been commenced, in case of willful neglect, incompetence, improper conduct, or upon other good and sufficient cause shown, to remove the architect in charge of the work, and to appoint another architect to complete the building. In such event, the architect so removed by the board shall have no claim upon the state for compensation other than for work which has been theretofor actually performed by him up to the date of his removal, including not exceeding one thousand (1,000) dollars for the original design: which shall thereupon become and be the property of the state;

Provided, however, that no such removal shall be made by the board for political reasons, nor until the party charged with neglect, incompetency or improper conduct or otherwise, shall have had a full hearing before said board, attended by counsel, if he should so elect.

SEC. 2. That section twelve (12) of said chapter two (2) as amended by said chapter three (3), be and the same is hereby amended as follows:

Amendments of former act.

By striking out the words "five hundred (500)" in the twenty-third (23d) line of said section twelve (12), and inserting in lieu thereof the words "one thousand (1,000)." Also by striking out the word "thirty (30)" in the twenty-fifth (25th) line of said section twelve (12), and inserting in lieu thereof the word "fifteen (15)." Also by striking out the first word "the" in the fifty-ninth (59th) line of said section twelve (12), and inserting in lieu thereof the word "make," and also by striking out the word "until" in the same line and inserting in lieu thereof the words "earlier than."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 9th, 1895.

S. F. No. 600.

CHAPTER 119.

Hospitals for insane.

An act to amend chapter five (5) of the general laws of 1893, entitled, "An act to confirm the location and establishment of the Minnesota hospitals for the insane, to provide for the commitment thereto, the management and supervision thereof and the licensing and supervision of all other hospitals for the insane.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section eleven (11) of said chapter five (5) be amended so as to read as follows:

Contracts.

Sec. 11. That said board of trustees, before letting any contract for the erection of any new building, or the enlargement or improving of any building, where the expense of the building or improvement shall exceed five thousand dollars ($5,000), shall advertise for proposals for four consecutive weeks prior to said letting in a newspaper published at the place where said building is to be erected or improved, and also for the same length of time in some newspaper having a general circulation published at the capital of the state, stating the time and place when said proposals will be received and opened, and said contract so advertised for shall be let to the lowest responsible bidder, *provided*, that when repairs to any building or buildings in the nature of improvements to heating, plumbing or other repairs wherein may be used old or second-hand material already in use and owned by said hospital are to be made, then and in that case the board of trustees are hereby authorized to make such improvements or repairs in such manner as to it may seem most advantageous to the state without advertising for proposals for such work.

SEC. 2. That section fifteen (15) of said chapter five (5) be amended so as to read as follows:

Non-resident insane.

Sec. 15. Every person adjudged to be insane under the provisions of this act, who is not an actual legal resident of this state, shall, by the order of the probate court, duly made and entered be taken by the sheriff of the county where such person is adjudged insane to the state where such person has a legal residence and delivered either to the friends or relatives of such a person or to the sheriff of the county where such person has a legal residence.

SEC. 3. That section seventeen (17) of said chapter five (5) be amended so as to read as follows:

Sec. 17. No person shall be deprived of his liberty in

this state by being committed to custody as insane unless his insanity be established in manner and form as prescribed in this act and because

Insanity—how established.

(1)

He has perpetrated acts dangerous to himself or to others or to property; or

(2)

It is reasonably certain by his threats or otherwise that he has dangerous tendencies or uncontrollable propensity towards crime; or

(3)

He wanders about and is exposed to want of food or shelter or to accident; or

(4)

He is ill treated or neglected by relatives or friends; or

(5)

His disease is of such a nature or in such a stage as to require for his recovery, care and treatment while under legal restraint.

SEC. 4. That section nineteen of said chapter five be amended so as to read as follows:

Sec. 19. Whenever the probate judge, or, in his absence, the court commissioner of any county shall receive information in writing duly verified by the person presenting the same, that there is an insane person in his county needing care and treatment (form "B") the said judge of court or court commissioner shall issue his order (form "C") directed to the sheriff of his county, or some other suitable person, commanding such alleged insane person to be brought before said judge or court commissioner for examination upon charge of insanity, and at the same time the said judge or court commissioner shall by order in writing appoint a jury (form "G") consisting of two, examiners in lunacy, who with the said judge or court commissioner shall constitute said jury, to examine the alleged insane person, when he shall be brought before said judge or court commissioner as directed, which said examiners in lunacy shall, before entering upon their duties, take and subscribe an oath "form D" to faithfully discharge their duties as such examiners.

How examined and tried.

In all cases when ordering the examination of any alleged insane person, the said judge or court commissioner shall notify ("form "H") the county attorney, or in his absence an attorney to be appointed by the county attorney who shall appear on behalf of said alleged insane person, and take such action as may be necessary to protect the rights of such person: and upon request of said county attorney or his substitute, the said judge or court commissioner shall issue subpoenas for the attendance of witnesses for such alleged insane person, to be sworn and give evidence on his behalf upon such examination; and it is hereby made the official duty of all county attorneys as hereinbefore provided to attend such examinations and represent the alleged insane, and to see that said alleged insane person is fully protected.

Witnesses.

And the said judges of probate and court commissioners are hereby authorized and empowered to issue subpoenas for the attendance of all witnesses upon such examination. If the said examiners jury at the close of such examination shall find the information true, and that the person alleged to be insane is in fact insane, and a fit subject for hospital treatment, they shall within twenty-four hours after said examination certify to said fact (form "E") and thereupon said judge or court commissioner shall issue a duplicate warrant (form "F") committing said person to the custody of the superintendent of the proper state hospital for the insane or to the superintendent or keeper of any private licensed institution for the care of the insane, or shall place such warrant or commitment together with a certified copy of the certificate of the jury in the hands of the sheriff, or other suitable person whom he shall authorize to convey said insane person to the hospital;

Commitment.

Provided, that in case said insane person is a female she shall be accompanied while being conveyed to the hospital, by her husband, father, mother, brother or son or daughter or by a woman designated by the judge of probate or court commissioner.

Said warrant shall be issued within two days after the date of the said jury's certificate to the insanity of such person, and said sheriff or authorized person shall forthwith execute said warrant.

At its reception by him the duplicate warrant and certified copy of the jury's certificate shall be filed in the office of the superintendent, and the original with the superintendent's endorsement thereon shall be returned to the judge of probate and filed in his office.

If said jury upon examination shall find said person to be sane, or shall disagree as to his insanity, they

shall so certify said fact, and said person shall be forthwith discharged.

The findings of the said jury shall in all cases, be entered upon the records of said judge or court commissioner.

SEC. 5. That section twenty-one of said chapter five be amended so as to read as follows:

Sec. 21. The jurors hereinbefore named may jointly execute the certificate provided for in section nineteen in this act, or each one may execute a separate certificate. Juror's certificate.

SEC. 6. That section twenty-three of said chapter five be amended so as to read as follows:

Sec. 23. Whosoever for any corrupt consideration or advantage to himself, or through malice shall make or join in, or advise the making of any complaint or certificate aforesaid, or shall knowingly or wilfully make any false representations for the purpose of causing any person to be committed to or held in any institution for the custody, care and treatment of the insane, shall be deemed guilty of a felony. False complaint—penalty.

SEC. 7. All acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Amend form "B" so as to read as follows:

B. Information of Insanity.

STATE OF MINNESOTA }
} ss.
County of.....}

A. B., being duly sworn, on oath, says: That he is a resident of.....county, in said state, and is acquainted with C. D. who resides at....., in said state; that said C. D. is insane and a proper subject for custody, care and treatment in a hospital for the insane, and asks that the necessary steps be taken as provided by law, to investigate the mental condition of said C. D. Forms.

Subscribed and sworn to before me this..... day of ..... 18.....

.....

Amend form "C" so as to read as follows.

C. Order to Sheriff.

STATE OF MINNESOTA, }
} ss.
County of.....}

In Probate Court.

The State of Minnesota to the sheriff of said county.

Information in due form of law having been filed in my office alleging that C. D. residing at....., said..... is insane, and a proper subject for

treatment in a hospital for insane, you are therefore commanded to bring as soon as may be, the said C. D. before me to the end that examination be made of the mental condition of said C. D., according to the statute in such case made and provided.

Witness my hand and official seal this ..... day of ..... 18.....

.....,
Judge of Probate.

Amend form "D" so as to read as follows:

D. Oath of Examiners in Lunacy.

STATE OF MINNESOTA,)
)ss.
County of.....) In Probate Court.

In the matter of the lunacy of C. D.

STATE OF MINNESOTA,)
)ss
County of.....)

.....being duly sworn say each for himself that he will justly, faithfully and impartially perform the duties of examiners in lunacy to the best of his knowledge and ability.

Subscribed and sworn to before me this..... day of.....18.....

.....
Judge of Probate.

Amend form "E" so as to read as follows:

E. Certificate of Jury.

STATE OF MINNESOTA,)
)ss.
County of.....)

In the matter of the insanity of C. D.

We, the jury in the above entitled matter do hereby certify that on the,.....day of.....18....., we did personally, examine the person above named.

Inquiries were made and information obtained, among other things as follows: (Here insert the questions specified in section twenty)

From the personal examination of said C. D. made by us and from testimony introduced upon said examination, we find and hereby certify that said C. D. is insane, and a proper person for care and treatment in a hospital for the insane.

.....
.....
.....
Judge of Probate.

Add form "F" as follows.

F. Warrant of Commitment.

STATE OF MINNESOTA, }ss.
County of..... } In Probate Court.

In the matter of the insanity of.....

To the superintendent of the.....state hospital for the insane. C D upon examination having been found to be insane, you are therefore required to receive him (or her) into the said hospital, and keep him (or her) there until legally discharged.

In witness whereof I have hereunto set my hand and official seal this.....day of.....18.....

.....

Judge of Probate,

.....Co Minn.

Receipt of Superintendent

I have this day received the within-named patient with a duplicate of this warrant and a certified copy of the certificate of the commissioners in lunacy at the hands of.....attended by.....

The patient is in.....condition.

Signed .....

Superintendent.

Add form "G" as follows:

G Commission to Physician.

STATE OF MINNESOTA, }ss.
County of..... } In the Probate Court

In the matter of the lunacy of C. D. alleged insane

To.....and.....legally qualified physicians and commissioners in lunacy.....county, state of Minnesota:

Information in due form of law having been filed in my office, alleging that one C. D. a resident of..... county in said state is insane, and a proper subject for custody and treatment in a hospital for the insane, you are hereby appointed as an examiner in lunacy to appear before me at my office in said county on the..... day of.....18.....at.....o'clock.....m., to make examination of the mental condition of said C. D. and after the completion of said examination to certify to this court as required by law whether said C D. be insane as alleged in said information. Witness my hand and official seal this.....day of.....A D 18.....

(Seal) .....

Judge of Probate.

Add form "H" as follows

H Notice to county attorney

STATE OF MINNESOTA, }
} ss.
County of..... } In Probate Court

In the matter of the lunacy of C. D. alleged insane.

To the Hon..... county attorney of said county Sir:

Please to take notice that information in due form of law has been filed in my office, alleging the insanity of C. D. a resident of said county, and an order in due form of law has been issued to the sheriff of said county to bring said C. D. before said court for examination.

Therefore you are hereby notified and required to appear before me at my office in said county on the .....day of.....18.....at ..... o'clock.....m. to represent said C D, and take part in and conduct on his behalf the said examination and inquiry into his, said C D's lunacy.

Witness my hand and official seal this.....day of ..... 18.....

(Seal) .....

Judge of Probate.

Approved April 25th, 1895.

H. F. No. 598.

CHAPTER 120.

Farmers' institutes.

An act to amend sections one (1) and nine (9) of chapter one hundred and fifty-six (156) of the general laws of Minnesota for the year eighteen hundred and ninety-one (1891), and an act to amend section one (1) of chapter one hundred and thirty-three (133) of the general laws of Minnesota for the year eighteen hundred and ninety-three (1893) the same being an act to establish and maintain farmers' institutes in Minnesota.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section one (1) of chapter one hundred and fifty-six (156) of the general laws for the year one thousand eight hundred and ninety-one (1891) is hereby amended so as to read as follows;

Appropriation.

Section one (1). That the sum of thirteen thousand five hundred (13,500) dollars shall be and is hereby annually appropriated beginning with the fiscal year commencing August first (1st) one thousand eight hundred and ninety-five (1895) for the maintenance of farmers

institutes to be held in the several counties of this state as hereinafter provided.

SEC. 2. That section nine (9) of chapter one hundred and fifty-six (156) of the general laws for the year one thousand eight hundred and ninety-one (1891) is hereby amended so as to read as follows:

Expenses. Sec. nine (9). That the expense of such institute together with the salary of said superintendent, which is hereby fixed at fifteen hundred (1,500) dollars per annum and the necessary expenses of his superintendence and all other money named in this act shall be paid out of said institute fund by the state treasurer upon warrants issued by the state auditor, which warrants shall only be drawn upon the certificate of the superintendent of institutes approved by the president of the board of administration.

SEC. 3. That section one (1) of chapter one hundred and thirty-three (133) general laws for the year one thousand eight hundred and ninety-three (1893), is hereby amended so as to read as follows;

Sec. 1. Section four (4) of chapter one hundred fifty-six (156) of the general laws of Minnesota, for the year one thousand eight hundred and ninety-one (1891), is hereby amended so as to read as follows:

Board of administration. Sec. 4. That a board of administration shall be and is hereby created to superintend the execution of this act on and after August first (1st) one thousand eight hundred and ninety-five (1895), and shall be constituted as follows:

Three (3) members of the board of regents of the University of Minnesota to be selected by said board of regents who shall hold their places for three (3) years from the first day of August, one thousand eight hundred and ninety-five (1895), and the presidents of the state agricultural society the state dairy association and the state horticultural society, who are now ex-officio members of the present board of administration; these last three (3) designated members shall hold their places for periods as are hereinafter provided to-wit:

The president of the state agricultural society shall hold his place until three (3) years from August first (1st) one thousand eight hundred and ninety-five (1895).

The president of the state dairy association shall hold until two (2) years from said date, and the president of the state horticultural society shall hold for one (1) year from said date of August first (1st), one thousand right hundred and ninety-five (1895).

And at the expiration of the terms so designated the presidents of the state agricultural society, the state

dairy association and the state horticultural society who are then elected and acting as such presidents shall become members of such board of administration and shall hold their places as such members for three (3) years when the vacancies then made shall be filled by the acting presidents of these societies as above stated. *Provided* that the board of administration as it now exists shall constitute the board of administration until August first (1st), one thousand eight hundred and ninety-five (1895).

Approved April 25th 1895.

S. F. No. 499.

CHAPTER 121.

Legal newspapers.

An act to amend chapter thirty-three (33), laws of the state of Minnesota for the year 1893, entitled an act defining what shall constitute a newspaper for publication of the laws of the state and legal notices and to legalize publications heretofore made.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That section one (1) of chapter thirty-three (33), laws of the state of Minnesota, for the year 1893, be and the same is hereby amended to read as follows:

Requirements.

Section 1. A newspaper, in order to entitle it to publish the laws of this state, or any legal notices required by law to be published, shall, in addition to all requirements of the law now in force, conform to the following definition, viz.:

A newspaper is a collection of reading matter in columns and sheet form; the matter consisting of general and local news, comments and miscellaneous literary items, printed daily, tri-weekly, semi-weekly or weekly, at an established office or known place of business, (in the English language,) equipped with the necessary materials, excepting newspaper press, and skilled workmen for preparing and printing the same in whole or in part in the village, town or city in which it is dated and generally circulated in the town, city or county where said office or place of business is located; *provided*, that no publication shall be considered a newspaper of general circulation unless it shall have been printed in whole or in part and published in the county for one year, and shall consist of the equivalent in space of four pages, or more, of five columns or more, to each page, and each column shall be not less than

seventeen and three-quarter inches long, and the proprietor or publisher thereof shall print, publish and deliver at each regular issue not less than 240 complete copies of such publication to paying subscribers; *provided further*, that publications which are duplicates and publications which are made up wholly of patents, or plates and patents and advertisements, shall not be recognized as legitimate newspapers of general circulation; *provided further*, that any newspaper which has heretofore, or may hereafter become a legal newspaper within the terms of the foregoing definition of a legal newspaper, and which shall heretofore have been, or may hereafter be destroyed by fire or other casualty, so that its regular publication and issue shall have been, or may be suspended and interrupted for a time not exceeding four months, and shall continue to be a legal newspaper within the meaning of this act, and for all purposes, immediately upon the resumption of its publication and issue by the same publisher, his heirs or legal representatives under the same name and in the same town, village or city where it was published and issued prior to its destruction and suspension by fire or casualty.

Privileges.

SEC. 2. That section three (3) of said chapter be, and the same hereby is amended to read as follows:

Sec. 3. Any newspaper conforming to the description given in section one (1) of this act, and complying with the requirements of section two (2) of this act shall be considered a legal newspaper in all meanings of the term, and shall be entitled to publish all legal notices, general laws, foreclosures of mortgage sales, probate notices and other legal official notices of any kind whatsoever, required by law to be published in a newspaper,

Provided, that the making and filing of the affidavit provided for in section two (2) of this act shall be prima facie evidence that said newspaper conforms in all respects to the description given in section one (1), and in case any probate notice, summons, notice of mortgage foreclosure sale, execution sale, or other legal notice in proper form, shall heretofore have been published in a newspaper in the proper county for the number of times prescribed by law or by the order of the court or judge directing such publication to be made, if the publisher of the newspaper in which such legal notice was published, shall have filed with the county auditor the affidavit provided for in section two (2) of said chapter thirty-three (33) such publication shall be, and hereby is, legalized and made valid and effectual and of the same effect in all respects as if the newspaper in which such publication was made conformed to the description

given in section one (1) of said chapter thirty-three (33), whether such newspaper did in fact, at the time of such publication, fully conform to such description or not.

Provided, that nothing herein contained shall be construed to apply to any suit now pending which involves the legality or validity of any such publication.

SEC. 3. This act shall take effect and be in force from after its passage.

Approved April 8th, 1895.

S. F. No. 143.

CHAPTER 122.

Trade marks.

An act to amend an act entitled an Act relating to labels, trade marks and advertisements, and to provide for their protection and the punishment for counterfeiting the same or for using counterfeits of the same. Approved April seventeenth (17th), (being chapter twenty-four (24) of general laws of Minnesota of 1893).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section 1 of an act relating to labels, trade marks and advertisements, and to provide for their protection and the punishment for counterfeiting the same, or for using counterfeits of the same, (being chapter twenty-four (24) of the general laws of Minnesota of one thousand eight hundred ninety-three (1893), be and the same is hereby amended to read as follows, namely:

Protection.

"Sec. 1. Whenever any person, or any association or union of working men has heretofore adopted or used or shall hereafter adopt or use any label, trade mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person, or association or union of workingmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade mark, term, design, device or form of advertisement or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade mark, term, design, device or form of advertisement."

SEC. 2. That section two (2) of the act above named be and is hereby amended to read as follows, namely:

"Sec. 2. Whoever counterfeits or imitates any such label, trade mark, term, design, device or form of advertisement, or sells, offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trade mark, term, design, device, or form of advertisement; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor to which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; shall be punished by a fine of not more than one hundred (100) dollars or by imprisonment for not more than three months." Penalty for counterfeiting or dealing in counterfeits.

SEC. 3. That section three (3) of said act be and the same is hereby amended so as to read as follows, namely:

"Sec. 3. Every such person, association or union that has heretofore adopted or used or shall hereafter adopt or use a label, trade mark, term, design, device, or form of advertisement, as provided in section one (1) of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or fac simile thereof with said secretary, and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed; the class of merchandise and a description of the goods to which it has been or is intended to be appropriated; stating that the party so filing or on whose behalf such label, trade mark, term, design, device or form of advertisement shall be filed has the right to the use of the same; that no other person, firm, association, union or corporation has the right to such use either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac simile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one (1) dollar. Any person who shall for himself or on behalf of any other person, association or union procure the filing of any label, trade mark, term, design or form of advertisement in the office of the secretary of state under the Registry.

provisions of this act, by making any false or fraudulent representations or declaration, verbally or in writing or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby in any court having jurisdiction and shall be punished by a fine not exceeding one hundred (100) dollars or by imprisonment not exceeding three (3) months. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one (1) dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof to the adoption of such label, trade mark, term, design, device or form of advertisement. Said secretary of state shall not record for any person, union or association any label, trade mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association."

SEC. 4. That section four (4) of said act be and is hereby amended to read as follows:

Prohibiting infringments.

"Sec. 4. Every such person, association or union adopting or using a label, trade mark, term, design, device or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such person, association or union, all profits derived from such wrongful manufacture, use, display or sale, and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause, be delivered to an officer of the court, or to the complainant to be destroyed."

SEC. 5. That section five (5) of said act be and the same is hereby amended to read as follows:

Penalty for appropriating.

"Sec. five (5). Every person who shall use or display the genuine label, trade mark, term, design, device or form of advertisement of any such person, association or union in any manner not authorized by such person, union or association, shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for not

more than three (3) months or by a fine of not more than one hundred ($100) dollars. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by any officer or member of such association or union on behalf of and for the use of such association or union."

SEC. 6. That section six (6) of this act may be and is hereby amended to read as follows:

"Sec. 6. Any person or persons who shall in any way use the name or seal of any such person, association or union or officer thereof in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three (3) months, or for a fine of not more than one hundred (100) dollars." Penalty for unauthorized use.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 23rd, 1895.

CHAPTER 123.

S. F. No. 170.

An act to amend chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893) providing for the protection of employes. Protection of employes.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six (6) of said chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893) is hereby amended by striking out the first sentence of said section six (6) and substituting therefor the following words, to-wit: "If in any factory, mill, workshop or other building of three or more stories in height, proper and sufficient means of escape in case of fire are not provided, as required by section five (5) of this act, the owner or occupant of said building, upon notice by the commissioner of labor or any factory inspector employed in the bureau of labor, shall construct one or more external fire escapes, as the same may be found necessary and sufficient. Said fire escape or fire escapes shall be provided on the outside of such factory, mill or workshop connecting with each floor above the first, well fastened and secured and of sufficient strength." Fire escapes.

SEC. 2. That section seven (7) of said chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893) is hereby amended by the addition of the

following words, to-wit: "It shall be the duty of every occupant, whether owner or lessee of any premises so used as to come within the provisions of section four (4), five (5), six (6) and seven (7) of this act, to carry out the same and to make all the changes and additions necessary therefor. In case such changes are made upon the order of the commissioner of labor or of a factory inspector by the lessee of the premises, he may at any time, within thirty days after the completion thereof, bring an action before any justice of the peace, municipal or district court, having competent jurisdiction, against any person having an interest in such premises and may recover such proportion of the expense of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Providing fire protection.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

S. F. No. 418.

CHAPTER 124.

New counties.

An act to amend sections two (2) and four (4) of chapter one hundred and forty-three (143) of the general laws of the year 1893, providing for the creation and organization of new counties and government of the same.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section two (2) of chapter one hundred and forty-three (143) of the general laws of eighteen hundred ninety-three, providing for the creation and organization of new countiesand government of same, be and the same hereby is amended so as to read as follows:

"Section 2. Whenever there shall be presented to the secretary of state, not less than ninety days before the next succeeding general election, the petition of not less than twenty-five per cent of the legal voters of each of the counties to be changed thereby according to the vote of said county or counties at the last preceding election, praying that certain territory shall be detached from any county or counties, and erected, created and organized into a new county, which petition shall contain what is hereinafter required, and have attached thereto

the affidavit of the person or persons who procured the signatures to such petition, to the effect that the signers were, when they signed the same actual residents and legal voters of the county that they, in such petition, represented themselves to be; said secretary of state shall at once file the same, and immediately notify the governor and state auditor of the receipt of the same, and they shall immediately meet and consider said petition, and if it is found to conform to the law, they, or a majority of them, shall so certify, and thereupon the governor shall, not less than sixty days before the next general election, issue his proclamation, attested by the secretary of state, declaring that such petition has been so filed and found to be comformable to law, and directing that the question of the creation of the proposed new county be submitted to the voters of the county or counties to be affected thereby, as provided by law, at the next succeeding general election; and upon the issuance of said proclamation the secretary of state shall record such petition and affidavit thereto attached, and certificate and proclamation, in his office, in a book to be provided by him for such purpose, and he shall cause a copy of such proclamation to be published in two of the daily newspapers in the capital city and in a newspaper printed and published at the county seat of the county or counties from which such new county is proposed to be created and having general circulation therein, at least four successive weeks before the general election at which such question is to be submitted; and he shall mail a certified copy of that proclamation to the auditor of the county or counties affected by such proposed new county. Where it is proposed to create a new county out of a portion of the territory of more than one county, it shall be necessary for separate petitions to be presented by the citizens of each of the counties from which such proposed new county is to be created.

Formation—how submitted at an election—proclamation.

A copy of said petition so filed with the secretary of state shall also immediately thereafter be filed in the office of the county auditor of the county or counties out of which such new county is proposed to be created.

SEC. 2. That section four (4) of said chapter be and the same is hereby amended so as to read as follows:

"Sec. 4. At the time of giving notice of the next general election to be held after the issuing of the said proclamation by the governor it shall be the duty of the officers of the county or counties affected thereby, who are required to give notice of the election of officers therein, to give notice in like manner, that at said elec-

How submitted.

tion a vote will be taken on the question of the creation of the proposed new county, or counties, stating and specifying in said notice the boundaries of said proposed new county; the proposed location of the county seat and the name of such proposed county; and the ballots for such general election shall, for each pending proposition of the kind, have printed thereon the words: 'For the creation and organization of the proposed new county of (here insert the name of proposed county), yes—no;' and each elector voting on such proposition or propositions to create and establish such new county or counties shall make a cross opposite the 'yes' or 'no' as provided in section thirty-four of chapter four of the general laws of eighteen hnndred and ninety-one.

Provided, the elector shall only vote for or against one proposition, and if the elector places a cross mark opposite more than one such proposition, said ballot shall not be counted for any such proposition, but shall be as to such proposition null and void.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1895.

H. F. No. 255.

CHAPTER 125.

Unorganized counties.

An act to amend chapter one hundred and eighty-nine (189) of the general laws of eighteen hundred and eighty-seven (1887), as amended by chapter one hundred and seventy (170) of the general laws of one thousand eight hundred and ninety-three (1893), entitled "An act granting certain powers and authority to the board of county commissioners of any unorganized county in this state."

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter one hundred and eighty-nine (189) of the general laws of eighteen hundred and eighty-seven (1887), as amended by chapter one hundred and seventy (170) of the general laws of one thousand eight hundred and ninety-three (1893), entitled "An act granting certain powers and authority to the board of county commissioners of any unorganized county in this state," be and the same hereby is amended so as to read as follows:

Roads and road districts.

Section three (3). To organize such road districts and lay out and open such roads in said county as shall be necessary for or required by the business of such

county. And the officers of the county to which such unorganized county may be attached, for purposes of taxation, shall levy annually a road and bridge tax not exceeding in the aggregate two and one-half (2½) mills on each dollar of the taxable property in such unorganized county, as a part and portion of the taxes that may be collected from the property in such unorganized county; and such said money shall be paid over to the board of county commissioners of such unorganized county, as hereinafter provided, by the treasurer of the county, and the same shall be by them expended on the roads and bridges in such unorganized county.

SEC. 2. That said chapter one hundred and eighty-nine (189) be and the same is hereby further amended as follows: By inserting after section four (4) of said chapter one hundred and eighty-nine (189) the following section: Section four and one-half (4½). That the said officers of said county to which said unorganized county may be, as aforesaid, attached, shall levy annually a poor fund tax not exceeding one-half (½) mill on each dollar of the taxable property in such unorganized county, as a part and portion of the taxes that may be collected from the property in such county; and such money shall be paid over to the board of county commissioners of such unorganized county, as hereinafter provided, by the treasurer of said county, and the same shall be by them expended for the relief and support of the poor of such unorganized county, *provided*, that no person or family shall receive more than twenty (20) dollars at any one time from said fund. The taxes herein authorized to be levied may be levied in addition to the tax now provided by law to be levied in unorganized counties.

Poor fund tax.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

S. F. No. 610.

CHAPTER 126.

Bonds and recognizances of public officers.

An act to amend chapter forty-two of the general laws of 1893, entitled An act relative to recognizances, stipulations, bonds, obligations and undertakings, and to allow corporations to be accepted as surety thereon, and to limit the time for the commencement of actions on the bond, recognizance, or obligation of a public officer, and to provide for an examination of such officer's accounts.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter 42 of the general laws of 1893 be and the same is hereby amended by adding thereto the following sections:

Limitation of action.

Sec. 6. That from and after the passage of this act, no action shall be maintained against the surety or sureties on a bond, recognizance, obligation, stipulation or undertaking given by a public officer of the state, county, town, school district, city, village or municipality, unless such action is recommended within four years from the date of filing of a new bond, or the expiration of his term of office, or his resignation or death during such term of office.

Examination of accounts of public officers.

Sec. 7. That upon the happening of any of the events set forth in the foregoing section of this act, it shall be the immediate duty of the governor of the state, head of any department, board of audit, public examiner, commission, commissioners, supervisor, trustee, committee, court, judge, municipality or other authorities of the state, county, town, school district or municipality and any and all boards, courts, judges and municipalities now or hereafter required or permitted to accept or approve of the sufficiency of any such bonds, recognizance, stipulations or undertakings, having jurisdiction or being authorized or required to examine the accounts of such officers to make or cause to be made a complete and thorough examination of the accounts of such officer, and if any deficiency, shortage or irregularity is discovered, to at once present to such public officer, his surety or sureties, a statement of the amount due, or claimed to be due, from such officer or the nature of such irregularity. Said statement shall be made in writing and deemed sufficient notice to such officer, his surety or sureties, or the agent or attorney, of such surety, if mailed in the postoffice at the city of St. Paul, Minnesota, postage prepaid, or in any postoffice where the examination of such officer's accounts is made, ad-

dressed to such officer, his surety or sureties, or the agent or attorney of such sureties, respectively, and directed to the respective postoffices where said surety or sureties, or agent or attorney, may reside, if known, but a failure to make such examination or to give notice or mail such statement shall not discharge the surety or sureties upon such bond.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 127.

H. F. No. 368.

An act to amend an act entitled "An act to authorize reassessments for local improvements by cities and to legalize certain of such assessments," being chapter two hundred and six (206) of the general laws of Minnesota for the year 1893.

Reassessments for local improvements.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section two (2) of chapter two hundred and six (206) of the general laws of the state of of Minnesota for the year eighteen hundred and ninety-three (1893), be and the same is hereby amended by inserting after the words "already undertaken" in the second (2nd) and third (3rd) lines of said section the words "at the time of making such assessment."

Certain amendments.

SEC. 2. That section eight (8) of said chapter two hundred and six (206) of the general laws of the state of Minnesota for the year eighteen hundred and ninety-three (1893), be and the same is hereby amended by striking out the following words at the end of said section;

"Said assessment shall be further enforced and collected in the same manner as other assessments made by said municipal corporation are enforced and collected."

Same.

SEC. 3. That said chapter two hundred and six (206) of the general laws of the state of Minnesota for the year eighteen hundred and ninety-three (1893), be and the same is hereby amended by adding thereto the following sections;

"Sec. 10. As soon as the said assessment roll shall be confirmed the clerk of said court shall prepare and deliver to the comptroller of said municipal corporation, or if said municipal corporation shall not have a comptroller, to the clerk, a certified copy of said assessment roll and of the order confirming the same, which the said comp-

Assessment roll.

troller, or if there is no comptroller, said clerk, shall record in a book to be kept by him in his office, and after recording the same he shall deliver the said certified copy of said assessment roll to the treasurer of said municipal corporation, and it shall be the duty of said comptroller, or if there is no comptroller of said clerk, without any order or direction in the premises, within ten (10) days to publish a notice to all parties interested in said assessment in the official paper of said municipal corporation stating therein that said certified copy of said assessment roll has been delivered by him to the treasurer, briefly describing its nature, and that the amount assessed against each lot or parcel of land can be ascertained at the office of said treasurer that the assessment is due and payable at the office of said treasurer, and if paid within thirty (30) days from the date of the last publication of said notice there will be allowed a deduction of ten (10) per cent of the amount of said assessment. If not paid within such period of thirty (30) days and the same shall be paid before the first (1st) day of October next ensuing and not more than six (6) months after the expiration of such period of thirty (30) days then there shall be allowed a deduction of five (5) per cent of said assessment. Said notice shall be published at least once in each week for three (3) successive weeks. Any person paying his assessment within the said thirty (30) days shall be entitled to a deduction therefrom of ten (10) per cent of the amount thereof. And any person paying his assessment after said period of thirty (30) days and before the first (1st) day of October next ensuing and not more than six (6) months after the expiration of said period of thirty (30) days shall be entitled to a deduction therefor of five (5) per cent of the amount thereof, and the treasurer is hereby authorized to make and allow said deduction.

When payable.

Deductions.

Upon presentation to the comptroller or if there is no comptroller to the clerk, of the treasurer's receipt for the assessment against any lot or parcel of land contained in said assessment roll, he shall countersign the same and it shall become and hereby is made his duty to mark 'canceled' the assessment on his books opposite the description in said receipt."

Assessment roll returned to comptroller, marked "paid" or "delinquent."

"Sec. 11. After the expiration of said period of thirty (30) days from the date of the last publication of said notice the ten (10) per cent deduction as aforesaid shall not be allowed and the said treasurer shall forthwith return to said comptroller, or if there is no comptroller to said clerk, said certified copy of said assessment roll, having compared the same with his duplicate receipts on file in said comptroller's office or if there is no comp-

troller, in said clerk's office, and written opposite the amount of each assessment so receipted for, the word 'Paid' and the number of the treasurer's receipt given in discharge of such assessment, and each lot or parcel of land against which said assessment remains unpaid shall forthwith be deemed delinquent."

Unpaid assessments filed with county auditor for taxation.

"Sec. 12. On the first (1st) day of October next after the expiration of said thirty (30) days the comptroller, or if there is no comptroller the clerk, shall certify to the county auditor the amount of said assessment on each lot or parcel of land against which said assessment remains unpaid, as a special tax on said property, and the said auditor on receipt thereof shall enter and carry out the same upon the proper tax list for that year, and said assessment shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced, and when collected, paid over "to the treasurer of said municipal corporation."

May be paid in five annual installments.

Sec. 13. At any time before said first (1st) day of October next after the expiration of said thirty (30) days the comptroller, or if there is no comptroller the clerk, shall upon the application of the owner of any lot or parcel of land against which said assessment remains delinquent, divide the whole amount of such assessment against said lot or parcel of land, into not more than five (5) equal installments but no installment shall be less than ten (10) dollars, the first (1st) installment to be thereafter due and payable on the first (1st) day of October of the next succeeding year, the second (2nd) installment on the first (1st) day of October of the second (2nd) succeeding year, the third (3rd) installment on the first (1st) day of October of the third (3rd) succeeding year, and so on.

Each of such deferred installments shall bear interest at the rate of eight (8) per cent per annum from the time when said assessment has been so divided by said city comptroller.

Unpaid installments to be certified to county auditor for taxation.

After any assessment has been so divided as aforesaid, the comptroller, or if there is no comptroller the clerk, shall not certify the whole thereof to the county auditor as hereinbefore provided, but shall within ten (10) days after the first (1st) day of October in each year certify to the county auditor the installment of said assessment which is payable upon said first (1st) day of October, and which has not been paid, with interest thereon and on all the subsequent installments as aforesaid, as a special tax on said property, and the said auditor on receipt thereof shall enter and carry out the same upon the proper tax list for that year, and the same shall

thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, paid over to the treasurer of said municipal corporation.

The common council of said municipal corporation, if they shall deem it expedient, may by resolution divide the amount of the assessments for any improvement which have been so divided into installments as aforesaid, into such sums and amounts as they shall deem most advisable and order the issuing of certificates representing such sums, which shall entitle the holder thereof to demand and receive from the said municipal corporation upon surrender of said certificates to its treasurer on or after the time limited for their payment, the sum of money mentioned to be paid therein, with interest to the date limited for their payment. The rate of interest to be mentioned in said certificates shall not exceed eight (8) per cent per annum.

If the said installments are divided into sums as aforesaid the said certificates shall be numbered from one (1) to the number ordered issued inclusive, and the installments be represented by number on the certificate; the common council may however, cause one certificate to be issued representing each installment.

The certificate shall be substantially in the following form;

Form of certificate.

Public improvement certificate of..... (name of municipal corporation.)

Installment No..... Certificate No.....

Amount ..... Date .....

To whom it may concern;

This is to certify that the sum of..... dollars has been duly assessed against the lots and parcels of land mentioned in the assessment roll for the improvement of..... street (avenue or alley as the case may be) in said..... (name of municipal corporation) which said assessment is a valid and subsisting lien and charge against the lots, pieces and parcels of land therein mentioned and described, and that the said sum has been divided into installments; that this certificate represents the sum of..... dollars of installment No..... which is due and payable to said..... (name of municipal corporation) out of the property pledged by law for its payment on or before the first (1st) day of October 18....., and is issued pursuant to the provisions of an act of the legislature of the state of Minnesota, entitled "An act to authorize reassessments for local improvements by cities and to legalize certain of such assessments" approved March twenty-ninth (29th) eighteen

hundred and ninety-three (1893), and the acts amendatory thereof, and the said..... (name of municipal corporation) hereby guarantees to the holder of this certificate that it will cause to be collected the said assessment and will pay upon surrender of this certificate to its treasurer at..... on the first day of July 18....., the sum of $..... with interest thereon from the date hereof to the time mentioned herein for payment at the rate of..... per cent per annum.

In testimony whereof the said ..... (name of municipal corporation) has caused this certificate to be signed by its mayor and attested by its clerk, and its corporate seal affixed hereto, this..... day of ..... A. D. 18....."

(Seal.)

Each certificate shall be made payable on the first (1st) day of July following the first (1st) day of October on which the installments on which the certificate is issued become due and payable. This certificate shall be signed by the mayor and clerk, and countersigned by the comptroller if there is a comptroller, and shall have attached thereto the corporate seal of said municipal corporation.

The amount of such certificates shall not be regarded as a part of the debt of said municipal corporation within the meaning of the limit provided for in the charter of said municipal corporation beyond which said municipal corporation shall not be authorized to issue its bonds, or to contract debts.

Certificates may be sold.

The common council of said municipal corporation may sell and assign said certificates at a price not less than their par value and apply the proceeds thereof to the payment of the cost of the improvement or other purpose for which they were respectively issued; or may in their description transfer said certificates at their par value direct to contractors in payment of the contract price for the improvement, or other purpose to which they are respectively applicable.

The comptroller, or if there is no comptroller the clerk, of said, municipal corporation shall keep in his office in a book to be provided for that purpose, a correct record of all certificates issued pursuant to the provisions of this chapter; the said book to be properly ruled and headed so as to show a substantial description and history of each certificate including date, number and amount, on what improvement issued, when and to whom sold, or assigned, and at what price, with space for writing final disposition of the same."

Payment and cancellation.

"Sec. 14. Any owner or party interested in any piece or parcel of land against which said assessment is levied, may pay the full amount, or any part thereof, with interest thereon at the rate hereinbefore provided to the date of payment to the treasurer of said municipal corporation at any time before the first Monday in January following the date on which the delinquent assessment or any installment thereof is certified to the county auditor, and said treasurer shall thereupon give his receipt in duplicate for the same, which shall be sufficient authority upon presentation to the comptroller, or if there is no comptroller to the clerk, for the cancellation of said assessment, or of so much thereof as has been paid. Upon the presentation of said receipt the comptroller, or if there is no comptroller the clerk, shall cancel the same or so much thereof as has been paid on his books and on said certified copy of said assessment roll, and if the same has been certified to the county auditor, he shall certify said payment to said county auditor, who shall cancel the same, or so much thereof as has been paid, on his books, and from and after that time the lien on said land shall cease to the amount of such payment.

After the first Monday in January following the date on which said delinquent assessments, or any installment thereof, have been certified to the county auditor, the same must be paid to the county treasurer, who shall give his receipt therefor in duplicate, which shall be sufficient authority for the county auditor to cancel the same.

Upon the presentation of such receipt the county auditor shall cancel the same, or so much thereof as has been paid, on his books, and from and after that time the lien on said land shall cease to the amount of such payment.

Applicable to prior assessments—when.

The county auditor shall not issue his certificate that taxes are paid on any piece or parcel of land upon which any such assessment has been certified to him, until such assessment, interest and penalties thereon have been paid and canceled as aforesaid."

"Sec. 15. This act shall extend and apply to all assessments heretofore made by any municipal corporation which has, subsequent to the time of making said assessment been annexed to another municipal corporation, and the municipal corporation to which such annexation has been made shall as the successor of said municipal corporation so annexed, institute and conduct the proceedings for the making, enforcing and collecting of such reassessment, as provided in this act."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

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S. F. No. 21. (n s) 327

CHAPTER 128.

An act to amend chapter 204 of the general laws of 1893, entitled "An act to grant additional powers to cities of the state of Minnesota and to empower such cities to issue their bonds for certain purposes therein mentioned," approved April 12th, 1893.

City bonds.

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Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter two hundred four of the general laws of eighteen hundred ninety-three entitled "An act to grant additional powers to cities of the state of Minnesota and to empower such cities to issue their bonds for certain purposes therein mentioned," approved April 12th, eighteen hundred ninety-three be and the same is hereby amended by adding to section one of said chapter the following paragraph:

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"Fifth. School bonds which may be issued for the purpose of purchasing real estate for school purposes, and for the purpose of constructing, erecting, improving, repairing, furnishing, equipping and maintaining school houses.

School bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12th, 1895.

CHAPTER 129.

S. F. No. 251.

An act to amend section one (1) of chapter one hundred and forty-eight (148) of the general laws of 1893 relating to municipal bonds.

Be it enacted by the Legislature of the state of Minnesota:

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SECTION 1. That section one (1) of chapter one hundred and forty-eight (148) of the general laws of one thousand eight hundred and ninety-three (1893) be and the same is hereby amended so as to read as follows:

Section 1. That any county, town, city school district or village in this state that has heretofore issued bonds purporting to have been issued for any purpose

Refunding municipal bonds.

authorized by law and which bonds have been actually sold and delivered to purchasers for value may at any time after maturity, or before maturity with consent of the holder, and while said bonds are a valid and existing indebtedness against such county, town, city or school district refund the same and issue and negotiate new bonds for the amount of such indebtedness or any part thereof;

Provided, that bonds issued to refund any existing bonded indebtedness shall not be made payable more than ten years from the date the same were issued and shall not draw a higher rate of interest than the bonds refunded.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

S. F. No. 70.

CHAPTER 130.

An act to amend chapter one hundred and ninety-five of the general laws of eighteen hundred and ninety-three, by allowing the use of certain license moneys for certain public improvements.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one of chapter one hundred and ninety-five of the general laws of eighteen hundred and ninety-three shall be and the same is hereby amended to read as follows:

Liquor license moneys for school purposes.

"Sec. 1. That any incorporated village within this state is hereby authorized in the discretion of the village council of any such village to donate to the school fund library or other school purposes of any legally incorporated school district, the territory of which forms a part or all of the territory of said village, for the purpose of building or repairing the school houses, or providing a library, school apparatus, or for any educational purpose;

All or a percentage of the license money received by any such village for licenses granted to any or all persons to sell, vend or deal in intoxicating liquors in said village and any such incorporated village is likewise authorized in the discretion of the village council thereof to expend, under the direction of said council in the construction or repair of roads and highways leading into or adjacent to any such village, the whole or any part of the license money received by any such village

from the issuance of any of the licenses in this act named."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

CHAPTER 131.

95 c 131
03 - 325

H. F No. 357

An act to amend section one (1) of chapter one hundred and sixty-three (163) of the general laws of A. D. eighteen hundred and ninety-three (1893), entitled "An act to authorize town supervisors to issue the bonds or orders of their respective towns, for the purpose of refunding or paying outstanding bonds of said towns, and regulating the issue and providing for the payment thereof."

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter one hundred and sixty-three (163) of the general laws of the state of Minnesota for the year A. D. eighteen hundred and ninety-three (1893), be and the same is hereby amended to read as follows;

Sec. one (1). The board of supervisors of any organized township of this state, or township that may be hereafter organized, is hereby authorized and empowered to issue the bonds or orders of such town, with interest coupons attached, whenever authorized by a majority of the legal voters of said town, as hereinafter provided, for the purpose of refunding, or raising money with which to pay any outstanding bonds or existing indebtedness of such town, which shall have become due and payable, or about to become due and payable before the moneys necessary for the payment of the same have been raised by taxation.

Refunding bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 6th 1895.

H. F. No. 526.

CHAPTER 132.

Incorporation of villages.

95 c 132
07 - 91

U S 2104
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See Ch 91 1907

An act to amend section one (1) of chapter one hundred eighty-four (184) of the general laws of Minnesota for the year eighteen hundred ninety-three (1893) being an act to amend section twelve (12) of chapter one hundred forty-five (145) of the general laws of eighteen hundred eighty-five (1885) relating to the incorporation of villages.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one (1) of chapter one hundred eighty-four (184) of the general laws of Minnesota for the year one thousand eight hundred and ninety-three (1893) be and the same is hereby amended so as to read as follows:

Sec. 1. That section twelve (12) of chapter one hundred forty-five (145) of the general laws of one thousand eight hundred eighty-five (1885) be and the same is hereby amended by adding thereto the following:

Detaching village territory.

Any territory within the corporate limits of any such village, whether the same is platted or not, may be taken out of such corporation and detached therefrom by petition of at least thirty (30) of the legal voters of such village, including the owner or owners of the land which is proposed to be detached, to the county commissioners in the same manner as provided for the annexation of territory to incorporated villages, and it shall be the duty of such commissioners to proceed thereupon as in sections five (5), six (6), seven (7), eight (8), and nine (9) of chapter one hundred forty-five (145) of the general laws of eighteen hundred eighty-five (1885), and to give notice of the time and place within the corporate limits of such village when and where the electors thereof will vote for or against such detaching, and the ballots used shall have thereon the words "for detaching" or "against detaching" and if the majority of the ballots cast shall be for detaching, then the said commissioners shall file with the register of deeds the original petition, notice of election and inspector's certificate as provided in section nine of chapter one hundred forty-five (145) of the general laws of eighteen hundred eighty-five (1885). And said territory when so detached shall belong to and be a part of the township in which it is when so detached, unless it shall be reincorporated into a new village or

How voted.

attached to a village or city already incorporated, within one year after being so detached.

Provided that such territory shall not be detached as herein provided in any case when such detaching would reduce the number of inhabitants of such village below the number now required by law for the incorporation thereof.

Provided further that the detaching of any territory from any incorporated village under the provisions of this act shall not relieve such territory of its share of indebtedness existing against such corporation, but the said territory shall be deemed a part of such village for the purpose of taxation imposed to discharge the principal and interest of such pre-existing indebtedness until the same shall have been fully discharged. Existing indebtedness not disturbed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 133.

H. F. No. 563.

An act to amend section six (6), of chapter one hundred and ninety (190), of the general laws of Minnesota, for eighteen hundred and ninety-three (1893), relating to villages.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section six (6), of chapter one hundred and ninety (190), general laws of eighteen hundred and ninety-three (1893), be and the same is hereby amended by adding after the word village in the fourth (4th) line of said section the following words, "or any village organized or incorporated under any special law of this state." Villages—amending Sec. 6 Chap. 190 Laws 1893.

SEC. 2. This act shall be in force and take effect from and after its passage.

Approved April 13th, 1895.

S. F. No. 40.

CHAPTER 134.

Election districts.

An act to amend section three of chapter four of the general laws of eighteen hundred and ninety-three, relating to election districts.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three (3) of chapter four (4) of the general laws of one thousand eight hundred and ninety-three (1893) be and the same is hereby amended by adding thereto the following proviso viz.:

Provided, that when any township or portion thereof comprising an election district is found by the number of votes there cast at any election to contain more than three hundred and twenty-five (325) male voters, the supervisors of such town may in their discretion cause such district, at least six weeks before the next ensuing general or special election, to be divided into two or more districts, each containing, as nearly as may be, an equal number of votes.

When divided.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20th 1895.

H. F. No. 530.

CHAPTER 135.

Elections.

An act to amend section thirty-five (35) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893), relating to elections.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section thirty-five (35) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893) is hereby amended to read as follows:

Certificates of nomination by petition—how signed.

Sec. 35. The certificate of nomination of a candidate selected otherwise than by a convention of delegates, shall be signed by electors resident within the district or political division from which the candidate is presented, as follows:

"If for a state office on a state ticket equal to one per cent (1%) of the entire vote of the state cast at the last preceding election; if for a congressional or judicial district office, by five per cent (5%) of the entire vote cast in any such district at the last preceding general election;

and if for a county legislative or municipal office, by ten per cent (10%) of the entire vote cast in any such county, city, village, ward or other election district at the last preceding general election.

"*Provided*, that the number of signatures required shall not exceed two thousand (2,000) for any state office, nor five hundred (500) for any congressional or judicial district, nor for any other office."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

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08 - 174

CHAPTER 136.

H. F. No. 773.

An act to amend section forty-five (45) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893) entitled "An act to regulate elections."

Elections.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section forty-five (45) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893), be amended so as to read as follows:

Sec. 45. The secretary of state and county auditors and city clerks shall respectively place upon the several ballots printed by them the name of each candidate for office who shall have been nominated as hereinbefore provided, and whose certificate of nomination has been presented within the time specified, and on payment of the fee prescribed by law, which shall be as follows:

Ballots.

For each name tendered to be placed upon the white ballot, fifty (50) dollars to be received by the secretary of state and by him paid into the state treasury; for each name tendered to be placed upon the red ballot, five (5) dollars, to be received by the city clerk, and by him paid into the city treasury; *provided, however*, that in incorporated cities of three thousand (3,000) inhabitants or less, only two (2) dollars need be paid for each name tendered to be placed on said red ballot.

Candidates fees.

For each name tendered to be placed upon the blue ballot, ten (10) dollars to be received by the county auditor and by him paid into the county treasury;

Provided that when any candidate is nominated for the same office by more than one political party, the name of the party by whom he was first nominated shall be given the first place following his name; and *provided*, that where the person whose name is to be placed upon the blue ballot is to be voted for in more than one coun-

ty, as in case of members of congress, judges of district courts, etc., then the fee shall be twenty (20) dollars, and shall be divided among the several counties as nearly equal as may be, and the portion due each paid at the time and in the manner as provided for single counties."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 588.

CHAPTER 137.

Elections.

An act to amend sections sixty-two (62) sixty-eight (68), sixty-nine (69) seventy-nine (79), and one hundred and fifty-eight (158) of chapter four (4) of the general laws of one thousand eight hundred and ninety-three (1893) relating to elections.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section sixty-two (62) of the general laws of one thousand eight hundred and ninety-three (1893), relating to elections be amended to read as follows:

"In all incorporated cities of over twelve thousand (12,000) inhabitants the persons authorized by or appointed pursuant to law to act as judges of election in such city, or in any ward or other election district in such city in this state, shall constitute a board of registration for their respective cities wards or election district, and shall meet on Tuesday three (3) weeks preceding any general state or city election and fourteen (14) days before any special election.

Board of Registration.

When to meet.

Such board shall meet at six (6) o'clock in the morning at the place where the last election was held, or such other place as may be lawfully designated for the polling place for the election district, in which place such board shall continue in session until nine (9) o'clock in afternoon, and they shall proceed to make the registration as hereinafter prescribed of all persons entitled to vote at the ensuing election in such election districts. Such registration when complete shall be constituted and known as the register of electors of such election districts, and such registers shall be made by said board unless ballot judges are required or provided for, in which event three (3) registers shall be so made.

Such board shall have and exercise the same right to preserve order at their meetings as is given to judges of election to preserve order on election days, and vacan-

cies in said board shall be filled in the same manner as such vacancies are filled at election.

SEC. 2. That section sixty-eight (68) of chapter four (4) of the general laws of one thousand eight hundred and ninety-three (1893), relating to elections shall be amended to read as follows:

In cities having over twelve thousand (12,000) inhabitants, on Tuesday two (2) weeks preceding any general election, and on the thirteenth (13th) day preceding any special election, said board of registration shall meet at the same place as before, and shall remain in public session from six (6) o'clock in the forenoon until nine (9) o'clock in the afternoon, for the purpose of registering all qualified voters whose names are not yet registered. Same—cities over 12,000.

They shall obtain from the city clerk or recorder and use the same registers as on the first day, and the same forms shall be observed in regard to registration as were required upon the first day of registration.

At the end of such day's registration the registers shall be compared and made to agree, and shall be signed as at the first day's registration and similar certificates attached with this condition thereto:

"Making the total number registered to date hereof inclusive..... of whom..... are males and..... are females."

It shall be the duty of said board during the session of that day, and before the board adjourns, to make a copy of all the names upon such registers, together with the addresses, as indicated in such registers. Immediately after its completion said copy shall be conspicuously posted outside the place of registration with a notice of the time when such board of registration will meet for the completion and final correction of its register, and shall be accessible to any elector who may desire to examine the copy of same. The registers shall be returned by one of said board to the office of said clerk or recorder before ten (10) o'clock in the forenoon of the day succeeding the day of registration. Posting registration.

SEC. 3. That section sixty-nine (69) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893) relating to elections shall be amended to read as follows:

On the last Tuesday preceding any general election and on the day one week preceding any special election the board of elections in cities having over twelve thousand (12,000) and less than forty thousand (40,000) inhabitants shall again meet at the same place for the completion and final correction of said registers, and in like manner in cities having over forty thousand Cities over 12,000, less than 40,000.

Times of meeting. Cities over 40,000.

(40,000) inhabitants, the board of registration shall again meet on the second Saturday preceding said day of general election. Prior to each of said meetings said board of registration shall again obtain the same registers before used from the office of said clerk or recorder, and on each of said days shall be in session from six (6) o'clock in the forenoon until nine (9) o'clock in the afternoon. Any qualified elector not already registered may apply to either of said boards to have his name inserted in said register, and the same rules for registration required on previous days shall be observed by the board. It shall be the duty of each of said boards at any meeting thereof to erase from the register the name of any person inserted thereon who shall be proved by the oath of two (2) qualified electors of such district to the satisfaction of the board to be in any way disqualified to vote in such district at the ensuing election. At the end of such meeting the register shall again be compared and be made to agree and correspond and shall be signed and certified by the board as at their second meeting and deposited in the city clerk's or recorder's office before ten (10) o'clock in the forenoon of the next succeeding day.

Times of meeting.

Posting registration.

When said registration shall have been fully completed and before said board shall adjourn or separate, they shall prepare a copy of all the names and their respective addresses appearing upon such registers and post the same conspicuously forthwith outside the place of registration, or in such manner as to be plainly discernible and easily read from the outside thereof.

SEC. 4. That section seventy-nine (79) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893), relating to elections, shall be amended to read as follows:

Duties of constable and sheriff.

The judges of election may appoint one (1) special constable to attend each place of election. It shall be the duty of the sheriff, constable or special constable to keep the surroundings of the polls quiet and orderly and during voting hours to allow no person to approach within six (6) feet of the ballot boxes, or to pass behind the railing or within six (6) feet of the book or ballot compartment herein provided, except electors engaged in receiving preparing or depositing their ballots, without the permission of the judges of election. If the above named officer neglects to perform said duty, then the judges of election shall swear in any private citizens to enforce order, who shall have power as constables or conservators of the peace to make arrests for breach of the peace.

SEC. 5. That section one hundred and fifty-eight

(158) of chapter four (4) of the general laws of eighteen hundred and ninety-three (1893), relating to elections shall be amended to read as follows:

Compensation of judges, clerks and constables.

At all elections to be held under this act, each regular judge of election shall receive as compensation for his services the sum of twenty-five (25) cents per hour for each hour he is necessarily employed for each and every day of registration; and the sum of twenty-five (25) cents per hour for services during voting hours on election day; and thirty (30) cents per hour for each hour necessarily engaged in counting ballots.

The ballot judges shall receive twenty-five (25) cents per hour for services during voting hours, and thirty cents (30) per hour for each and every hour necessarily engaged in counting ballots.

Each and every clerk of election shall receive as compensation for his services during voting hours and hours necessarily used in counting ballots, the sum of twenty-five (25) cents per hour. Any special constable shall be paid the sum of twenty (20) cents per hour for such time as the judges shall require his services, not exceeding twenty-four (24) hours; his bill to be certified by the judges.

The compensation provided for in this section, as well as the expense of providing ballot boxes and polling places, shall be borne by the several townships, cities and villages where the election is conducted, and the city and village council and town supervisor shall, in the event of disputes, determine whether or not said judges or clerks were necessarily engaged for the length of time for which compensation is claimed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 138.

H. F. No. 402.

An act amendment to "An act to regulate elections" approved April twenty-first (21), eighteen hundred and ninety-three (1893).

Elections.

Be in enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one hundred and seventy-two (172), of chapter four (4), of general laws of Minnesota, one thousand eight hundred and ninety-three (1893), be and the same is hereby amended to read as follows:

Fees of various officials.

Sec. one hundred and seventy-two (172). Every auditor, chairman of the board of county commissioners and justices of the peace shall receive for services performed under this act, three dollars per day, that eight hours shall constitute a day, and for each mile necessarily traveled in going to and from the place where the official canvass is made, ten (10) cents.

Said remuneration shall be allowed by the board of county commissioners of the proper county and paid by the county.

SEC. 2. This act shall take effect and be in force from and after its passage.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved April 22, 1895.

S. F. No. 674.

CHAPTER 139.

Elections.

An act to amend an act entitled "An act to regulate elections" approved April 21, 1893, and relating to village elections.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section one hundred and ninety-nine (199) of an act entitled "An act to regulate elections" approved April twenty-one, one thousand eight hundred and ninety-three, being section one hundred ninety-nine (199) of chapter four (4) of the general laws of eighteen hundred ninety-three (1893) of Minnesota, be and the same is hereby amended so as to read as follows:

To what act applies.

Sec. 199. This act shall apply to all general and special elections in the state of Minnesota, except township and village elections, and shall be known as the general election law of this state;

Provided, however, that sections seventy-seven (77), seventy-eight (78), seventy-nine (79), one hundred eleven (111), one hundred twelve (112), one hundred thirteen (113), one hundred fourteen (114), one hundred fifteen (115) and one hundred sixteen (116) thereof shall apply, so far as applicable, to all village elections in this state, whether such villages be organized under a general or a special act of the legislature.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23rd, 1895.

CHAPTER 140.

H. F. No. 699.

Public libraries and reading rooms.

An act to amend section one (1) of chapter one hundred and six (106) of the general laws of eighteen hundred and seventy-nine (1879), as amended by chapter one hundred (100) of the general laws of eighteen hundred and ninety-three (1893), relating to the establishment and maintenance of free public libraries and reading rooms.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That section one (1) of chapter one hundred and six (106) of the general laws of one thousand eight hundred and seventy-nine (1879), as amended by chapter one hundred (100) of the general laws of one thousand eight hundred and ninety-three (1893), be and the same hereby is amended by inserting after the words "votes cast" when they occur in the ninth (9th) line of section one (1) of said chapter one hundred (100) of the general laws of one thousand eight hundred and ninety-three (1893), the words "on such question."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

CHAPTER 141.

H. F. No. 787.

An act to amend an act entitled "An act to fix the time for holding the general terms of the district court in the several counties of the eighth (8) judicial district," approved March eighth (8), eighteen hundred and ninety- three (1893).

Be it enacted by the Legislature of the state of Minnesota:

Terms of court in eighth district.

SECTION 1. That section one (1) of an act entitled "An act to fix the time for holding the general terms of the district court in the several counties of the eighth (8) judicial district," approved March eighth (8), eighteen hundred and ninety-three (1893), being section one (1) of chapter one hundred thirty-six (136) of the general laws of eighteen hundred and ninety-three (1893), be and the same is hereby amended so as to read as follows:

Section one (1). The general terms of the district court shall hereafter be held in the several counties comprising the eighth (8) judicial district as follows:

In the county of Carver on the first (1) Monday in March and the third (3) Monday in September of each year;

In the county of Scott on the third (3) Monday in March and the first (1) Monday in October of each year;

In the county of Le Sueur on the third (3) Monday in February and the first (1) Monday in September of each year;

In the county of McLeod on the second (2) Monday in May and the second (2) Monday in November of each year;

In the county of Sibley on the first (1) Monday in June and the first (1) Monday in December of each year.

SEC. 2. This act shall take effect and be in force from and after the first day of July, A. D. 1895.

Approved April 2nd, 1895.

S. F. No. 601.

CHAPTER 142.

An act to amend an act entitled "An act fixing the time for holding the general terms of the district court in the Fifteenth judicial district," approved February 26th, A. D. 1895, relating to terms of the district court in the Fifteenth judicial district.

Be it enacted by the Legislature of the state of Minnesota:

Terms of court in fifteenth district.

SECTION 1. That section three (3) of an act entitled "An act fixing the time for holding the general terms of the district court in the Fifteenth judicial district," approved February twenty-sixth, A. D. one thousand eight hundred and ninety-five, be and the same is hereby repealed.

SEC. 2. That section four (4) of said act be amended so as to read as follows:

Section 3. The March term of the district court in Crow Wing county in the year on thousand eight hundred and ninety-five shall be held on the third Monday in March as now provided by law.

SEC. 3. That section five (5) of said act be amended so as to read as follows:

Section. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. That section six (6) of said act be amended so as to read as follows:

Section 5. This act shall take effect and be in force from and after its passage.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

CHAPTER 143.

S. F. No. 621.

Act to protect owners of various receptacles.

An act to amend an act entitled "An act to protect the owners of bottles, boxes, syphons, tins, kegs, half-barrels, and barrels, cans and tubs, in the sale of soda water, mineral water or aerated waters, porter, ale, ginger ale, small beer, weiss beer, beer, white beer, malt extract, or other beverages, also milk, cream, ice cream and butter," approved March 12th, 1895, the same being House File No. 306.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That section three of an act entitled "An act to protect the owners of bottles, boxes, syphons, tins, kegs, half-barrels, and barrels, cans and tubs, in the sale of soda water, mineral or aerated waters, porter, ale, ginger ale, small beer, weiss beer, beer, white beer, malt extract, or other beverages, also milk, cream, ice cream and butter" approved March the 12th, 1895 (being House File No. 306), be, and the same is hereby amended by adding at the end of said section the words "shall and is hereby declared to be presumptive evidence of the said unlawful use, purchase and traffic in such bottles, boxes, syphons, tins, kegs, half-barrels, barrels and tubs."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

H. F. No. 306.

CHAPTER 144.

Protection to owners of various liquid receptacles.

An act to protect the owners of bottles, boxes, syphons, tins, kegs, half barrels, and barrels cans and tubs, used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, Weiss beer, beer, white beer, malt extracts, or other beverages. also milk, cream, ice cream and butter.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. Any and all persons and corporations engaged in manufacturing, bottling, or selling soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts or other beverages, or milk, cream, ice cream, and butter in bottles, syphons, tins, kegs, half-barrels, or barrels, boxes, cans and tubs with his, her, its or their name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, syphons, tins, kegs, half barrels, or barrels, boxes, cans and tubs, or the boxes used by him, her or it, may file in the office of the secretary of state, a description of the name or names, marks or devices, so used by him, her, it, or them, respectively, and cause such description to be printed once in each week for three (3) weeks successively in a newspaper published in the county in which his, her, its, or their principal place of business is located; or if the principal place of business of such person or corporation is located in another state, then in the county wherein his, her, its or their principal office depot within the state is located. It shall be the duty of the secretary of state to issue to the person or persons, corporation or corporations, filing for record a description of such name, mark or device in his office, a duly attested certificate of the record of the same, for which he shall receive a fee of one (1) dollar. Such certificate shall, in all prosecutions under this act, be prima facie evidence of the adoption of such name, mark or device, and of the right of said person or persons, corporation or corporations, to adopt and use the same.

Penalty for using another's bottle, &c.

SEC. 2. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts, or other beverages, milk, cream, ice cream, and butter, any bottle, box, syphon,

tin, keg, half barrel, or barrel so marked or distinguished with or by any name, mark, or device, of which a description shall have been filed and published as provided in section one (1) of this act, or to deface, erase, obliterate, cover up, or otherwise remove or conceal, any such name, mark or device thereon, or to sell, buy, give, take, or otherwise dispose of or traffic in the same, without the written consent of, or unless the same shall have been purchased from, the person or persons, corporation or corporations, whose name mark or device shall be or shall have been in or upon the bottle, box, syphon, tin, keg, half barrel or barrel so filled, trafficked in, used or handled as aforesaid. Any person or persons, corporation or corporations, offending against the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than ten (10) days, nor more than ninety (90) days, or by a fine of not less than ten (10) dollars, nor more than one hundred ($100) dollars.

SEC. 3. The use by any person or persons, corporation or corporations, other than the rightful owner, of any bottle, box, syphon, tin, keg, half barrel or barrel, the name, mark, or device on which has been recorded and published as aforesaid, for the sale therein of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts, or other beverages or milk, cream, ice cream, and butter, or for furnishing such or similar beverages or milk, cream, ice cream and butter, to customers, or the buying, selling, using or disposing of or trafficking in any such bottles, boxes, syphons, tins, kegs, half barrels or barrels, boxes, cans, and tubs or the possession by any junk dealer or dealer in second-hand articles of any such bottles, boxes, tins, kegs, half barrels, or barrels.

See Chap. 143 of these laws for amendment hereof.

SEC. 4. Whenever any person, persons or corporation mentioned in section one (1) of this act, or his, her, or their agent, shall make oath before any magistrate that he, she or it has reason to believe and does believe that any of his, her, its or their bottles, boxes, syphons, tins, kegs, half barrels, or barrels, boxes, cans and tubs, a description of the names, marks or devices whereon has been on file and published as aforesaid, are being unlawfully used, or filled or had by any person or corporation, manufacturing or selling soda, mineral or aerated waters, porter, ale, cider, ginger ale, small beer, lager beer, Weiss beer, beer, white beer, malt extracts or other beverages or milk, cream, ice cream, and butter, or that any junk dealer or dealer in second-hand articles, vendor of bottles or any other person or corporation, has any

Search warrants.

such bottles, boxes, syphons, tins, kegs, half barrels, or barrels, boxes, cans and tubs in his, her, or its possession or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same and may also cause to be brought before him the person in whose possession said bottles, boxes, syphons, tins, kegs, half barrels, or barrels, boxes, cans and tubs, may be found, and shall then inquire into the circumstances of such possession; and if such person is found guilty of violation of section two (2) of this act, he shall be punished as therein prescribed, and the possession of the property taken upon such warrant shall also be awarded to the owner thereof.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 12th, 1895.

S. F. No. 386.

CHAPTER 145.

95 C 145
01 - 107
71-M - 497
72-M - 266
79-M - 211
81-NW1057
81-NW1059

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111-NW 387

An act to revise the laws relating to banks of discount and deposit.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Any number of persons not less than three (3) may establish banks of discount and deposit and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the paid up capital stock of such bank shall not be less than ten thousand dollars in any town containing a population of one thousand persons or less, and not less than fifteen thousand dollars in towns of more than one thousand and not exceeding fifteen hundred population, and not less than twenty thousand dollars, in towns of more than fifteen hundred and not exceeding two thousand population, and not less than twenty-five thousand dollars in towns of more than two thousand inhabitants; the population in all cases to be determined by the last official census.

Banks of discount and deposit may incorporate.

Minimum paid up capital.

The full amount of capital stock named in the articles of incorporation shall be paid in cash before any bank shall be authorized to commence business, and such payment shall be certified to the superintendent of banks, under oath by the president or cashier of the bank.

Capital to be paid in cash, and payment certified.

SEC. 2. The persons uniting to form such a corporation shall, under their hands and seal, execute

articles of incorporation which shall specifically state:

Articles of incorporation to specify.

First—The name assumed to distinguish the bank and to be used in all dealings, which name shall not be that of any other bank in the state.

Provided that if such bank is being incorporated for the purpose of succeeding any other bank, such new bank so incorporated may assume the name of the bank which it is intended to succeed.

Second—The place where the business of discount and deposit is to be carried on.

Third—The amount of capital stock and the number of shares into which the same is divided.

Fourth—The names and places of residence of the shareholders and the number of shares held by each of them.

Fifth—The period at which said bank shall commence and terminate, which term shall not exceed thirty (30) years.

Articles to be acknowledged. recorded and filed.

The articles of incorporation shall be acknowledged before the clerk of some court of record or notary public, and authenticated by the seal of such court or notary, and shall be recorded in the office of the register of deeds of the county where such bank may be established, and the articles thus authenticated shall be transmitted to the superintendent of banks, who shall carefully preserve the same on file in his office.

Date of corporation.

Upon duly making and filing such articles of incorporation, the bank shall become as from the date of execution of the same a body corporate, and as such, and in the name designated in such articles, it shall have the power to make contracts, to sue and be sued and shall have all the powers, privileges and immunities incident to corporations and applicable to the ends of such establishment, subject to the restrictions and provisions of this act.

A copy of the articles duly certified by the register of deeds of the county, or by the superintendent of banks, may be used as evidence in all courts for or against such bank, or any person for or against whom such evidence is necessary; whether on civil or on criminal trial;

Corporate powers.

SEC. 3. Upon making and filing the articles of incorporation required by this act the bank shall become a body corporate, and as such shall have power.

First—To adopt and use a corporate seal.

Second—To have succession for the period of years named in the articles of incorporation.

Third—To make contracts.

Fourth—To sue and be sued in any court of law or equity as fully as natural persons.

Fifth—To elect or appoint directors, who shall choose from their members a president and one or more vice presidents and shall have power to appoint and employ a cashier or other officers, define their duties, require bonds from such officers and clerks, dismiss such officers so elected or appointed or any of them at pleasure, and elect or appoint others to fill their places.

Sixth—To prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its directors and officers shall be elected or appointed, and fixing their compensation, its stockholders convened for special or regular meetings, its property transferred, its general business conducted and the privileges granted to it by law exercised and enjoyed.

Seventh—To exercise by its board of directors or duly authorized officers or agents, subject to law all such powers as shall be necessary to carry on the business of banking by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coin, promissory notes, mortgages and other evidences of debt, and foreign and inland bills of exchange, by loaning money on real and personal securities and by exercising all the usual and incidental powers and privileges belonging or pertaining to such business.

Limitation of business until authorized.

Provided; that no bank shall transact any business except such as is incidental and necessarily preliminary to its establishment, until it has been authorized by the superintendent of banks to commence the business of banking.

SEC 4. Whenever the articles of incorporation are filed with the superintendent of banks as provided in this act, and the bank transmitting the same files the certificate of payment of capital as provided in this act, and certified that such bank has complied with all the provisions of this act required, before the bank shall be authorized to commence business, the superintendent shall examine the condition of such bank, ascertain the amount of money paid in on account of its capital, the name and place of residence of each of its directors and the amount of capital stock of which each is the owner in good faith, and whether such bank has complied with all the provisions of this act required to entitle it to engage in the business of banking.

Superintendent to ascertain that capital is paid.

If upon such examination it appears to the superintendent of banks that such bank is lawfully entitled to commence the business of banking, he shall, within thirty days after the filing of the certificate of payment of capital, as provided in this act, give to such bank a certificate under his hand and official seal, that such

bank has complied with all the provisions required to be complied with before commencing the business of banking and that such bank is authorized to commence such business, which certificate shall be prima facie evidence in all the courts of the state that such bank is duly and legally organized as a corporation. Superintendent to issue certificates of authority.

The superintendent may withhold from any bank his certificate authorizing the commencement of business whenever he has reason to believe that the stockholders have formed the same for any other purpose than the legitimate objects contemplated by this act.

The bank shall cause the articles of incorporation and the official authorization of the superintendent of banks issued under this section to be published in some paper partly or wholly printed in the city or county where the bank is located, for at least four (4) successive weeks next after the issuing thereof; or if no newspaper is published in such city or county then in some newspaper published at the capital of the state. Articles and certificate of authority to be published.

SEC. 5. The president and cashier of every bank formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of all the shareholders of such bank, with the amount of stock held by each, the time of transfer and to whom transferred, and shall file a copy of such list in the office of the register of deeds of the county wherein such bank is located, and also in the office of the superintendent of banks, on the first day of May in each year; and the stockholders in each bank shall be individually liable in an amount equal to the amount of stock owned by them for all the debts of such bank, and for all transactions prior to such transfer, such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders, and shall be over and above the stock owned by the stockholders in such corporation, and any amount paid thereon. List of shareholders to be kept and filed. Liability of shareholders.

The shares in such bank are personal property, and transferable on the books of the bank in such manner as may be agreed upon in the articles of such bank or prescribed in its by-laws; and every person becoming a stockholder therein shall, in proportion to his interest, succeed to all the rights and be subject to all the liabilities of prior share holders; no change shall be made in the articles of such bank, whereby the rights, remedies or securities of existing creditors shall be in any manner impaired; and any bank shall not be dissolved by the death or insanity of any of the shareholders therein. Transfer of shares.

SEC. 6. The affairs of each bank shall be managed by a board of not less than three directors, who shall be elected by the stockholders and hold office for one

Board of directors and quorum of same.

year, and until their successors are elected and have qualified.

A majority of the board of directors shall constitute a quorum for the transaction of business:

Provided, that when the number of directors shall exceed nine, they may once in six months designate by resolution nine members, any five of whom shall constitute a quorum.

In the first instance the directors shall be named in the articles prescribed in section two (2) of this act or elected at a meeting held before the bank is authorized to commence business by the superintendent and afterwards elected at the annual meeting of the stockholders each year; and if for any cause an election is not had at that meeting, it may be held at a subsequent meeting called for that purpose, of which due notice shall be given as provided in the by-laws adopted by such bank.

Election and proxies.

At a meeting of stockholders for election of directors each share shall entitle the owner to one vote for each director, and a stockholder may vote at any meeting of the corporation by a proxy in writing signed by him.

Every director must own and hold in his own name not less than five (5) shares of the capital stock of such bank, except that in banks having a capital of fifteen thousand dollars or less, a director must own and hold in his own name not less than three (3) shares of the capital stock of such bank,

Directors to own stock.

Provided, that if the shares in any bank are less than one hundred dollars in par value, the directors shall hold shares of the value of five hundred dollars in the first instance and three hundred dollars in the second instance.

Each director shall take and subscribe an oath that he will diligently and honestly perform his duties in such office, and will not knowingly violate or permit to be violated any provision of this act, and that he is the owner in good faith of the stock of the bank as required to qualify him for such office standing in his name on the books of the bank, the taking of such oath to be noted on the minutes of the records of the bank, and the oath filed in the bank.

Directors to take oath.

Any vacancy in the board of directors shall be filled by the remaining members of the board, and the directors so appointed shall hold office until the next election.

Directors to declare dividends and create surplus fund.

Sec. 7. The board of directors of a bank may declare a dividend of so much of the profits of the bank, after providing for all expenses, losses, interest and taxes accrued or due from said bank, as they shall judge expedient; but before any such dividend is declared, not

less than one-tenth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a fund to be designated the surplus fund, until such surplus fund shall amount to twenty per cent of its capital stock, and thereafter such surplus fund shall equal twenty per cent of the capital stock of such bank, and whenever the same becomes impaired it shall be reimbursed in the manner provided for its accumulation.

Directors shall appoint examining committee.

SEC. 8. The board of directors of each bank shall annually appoint from its members an examining committee whose duties it shall be to examine the condition of the bank at least once every six months or oftener if required and such committee shall report to the board, giving in detail all items included in the assets of the bank which they have reason to believe are not of the value at which they appear on the books and records of the bank, and giving the value of each of such items as in their judgment they may have determined, and the board shall cause said report to be recorded in the minute books of the bank.

Committee shall report.

Directors restricted in use of funds.

SEC. 9. No director shall directly or indirectly in any manner use the funds of the bank or any part thereof except for regular business transactions and all loans made to said directors, officers, servants and agents of the bank shall be upon the same security as required of others, and in strict conformity to the rules and regulations of the bank; and all such loans shall be made only by the board, and shall be acted upon in the absence of the party applying therefor.

Reports to be made.

SEC. 10. Every bank shall make to the superintendent of banks not less than four reports during the year according to the form which may be prescribed by him, verified by the oath or affirmation of the president, vice president or cashier of such bank, and attested by the signature of at least two (2) of the directors. Each report shall exhibit in detail and under appropriate heads, the resources and liabilities of the bank at the close of business on any past day by him specified; and shall be transmitted to the said superintendent of banks within seven (7) days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the superintendent of banks, shall be published in a newspaper published in the place where such bank is established, or if there is no newspaper in the place then in one published nearest thereto in the same county, at the expense of the bank; and such proof of publication shall be furnished as may be required by the superintendent of banks. The superintendent of banks shall also have power to

Report published.

Special reports may be called for.

call for special reports from any particular bank, whenever in his judgment the same are necessary in order to obtain a full and complete knowledge of its condition. Every bank which fails to make and transmit any report required under this section shall be subject to a penalty of one hundred dollars ($100) for each day after the periods respectively therein mentioned that it delays to make and transmit its report.

SEC. 11. Every officer, agent or clerk of any bank authorized by this act, who willfully and knowingly subscribes or makes any false statement of facts or false entries in the books of such bank, or knowingly subscribes or exhibits false papers with intent to deceive any person authorized to examine as to condition of such bank or willfully or knowingly subscribes or makes false reports shall be deemed guilty of a felony and shall be subject to a imprisonment at hard labor in the state prison for such term, not less than one year nor more than ten years, as the court trying him shall designate.

False statements, entries in books and exhibit of false papers felony.

SEC. 12. The directors, officers and agents of banks shall when required by the superintendent of banks, open and keep such books or accounts as the superintendent may in his discretion determine and prescribe, for the purpose of keeping accurate and convenient records of the transactions and accounts of such banks, and any bank that refuses or neglects to open and keep such books or accounts so prescribed shall be subject to a penalty of ten dollars for each day it neglects and fails to open and keep such prescribed books or accounts.

Superintendent may prescribe books.

SEC. 13. No bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall within six (6) months from the time of its purchase be sold or disposed of at public or private sale.

Bank may not loan on or purchase its shares

SEC. 14. Such bank may demand and receive for loans on real and personal security or for notes, bills or other evidences of debt discounted or purchased, such rate of interest as may be agreed upon by the parties, not exceeding ten per cent per annum, subject, however, to such general laws regulating and fixing the rate of interest as may be passed by the legislature; and it shall be lawful to receive the interest in advance, according to the ordinary usage of banking institutions and in general to do all things and have all privileges incident to banks or corporations.

Rate of interest

SEC. 15. The total liabilities to any such bank of any person or of any company corporation or firm for money borrowed, including in the liabilities of a company, or firm, the liabilities of the several members thereof, shall at no time exceed fifteen (15) per cent of the aggregate amount of the capital stock of such bank actually paid in, and of the permanent surplus fund of such bank *provided* that the total liability of any officer or director to such bank shall at no time exceed ten (10) per cent of the aggregate amount of the capital stock of such bank actually paid in and of the permanent surplus fund of such bank. But the discount of the following classes of paper shall not be considered as money borrowed within the meaning of this section, viz.:

Limitation of loans to borrowers and directors.

1. The discount of business or commercial paper actually owned by the person negotiating the same.

Certain loans may be enlarged.

2. The discount of bills of exchange drawn in good faith against actually existing values.

3. The discount of paper based upon the collateral security of warehouse receipts covering agricultural and manufactured products in store in elevators and warehouses under the following conditions:

First. That the actual market value of the property held in store and covered by such receipts shall at all times exceed by at least ten (10) per cent the amount loaned upon the same.

Second. That the full amount of the loans shall at all times be covered by policies of fire insurance issued by companies admitted to do business in this state, to the extent of their ability to cover such loans, and then by companies having sufficient paid up capital to be so admitted, and all such policies shall be made payable in case of loss to the bank or holder of the warehouse receipts.

Insurance on collateral security.

SEC. 16. Contracts made by any bank established under the provisions of this act, pursuant to authority of the board of directors of such bank, shall be signed by the president or cashier thereof, or such other officer as may be designated by the directors, and all actions and proceedings brought or prosecuted by and in behalf of such bank shall be brought and prosecuted in the corporate name mentioned in the articles made and filed as hereinbefore required. *Provided* that all instruments that are to be of record shall have the corporate seal of such bank affixed thereto.

Contracts how made and suits brought.

SEC. 17. Such bank may purchase, hold and convey real estate for the following purpose:

First. Such as shall be necessary for the convenient transaction of its business, including with its banking

Real estate how acquired.

office other apartments to rent as a source of income, which investment shall not exceed twenty-five per cent of its paid-in capital stock and permanent surplus. *Provided* that this provision shall not apply to any such investments made before the date when this act takes effect.

Second. Such as is mortgaged to it in good faith, by way of security for loans made or money due to such bank.

Third. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it acquires by sale on execution or judgment of any court in its favor.

The bank shall not purchase hold or convey real estate in any other case or for any other purpose whatever. Real estate shall be conveyed only by authority of the board of directors of said bank under the seal of the bank and the hand of either its president, vice president or cashier, free from any claim thereon in favor of or against the shareholders or any person claiming under them. No real estate acquired in the cases contemplated in the second, third, and fourth subsections above shall be held for a longer time than five years unless such period shall be extended by the superintendent of banks *provided*. that this provision shall only apply to real estate acquired after the date when this takes effect.

Real estate to be sold in five years.

SEC. 18. Each bank organized under the provisions of this act, shall at all times have on hand in available funds an amount equal at least to twenty (20) per centum of all its immediate liabilities. One-half of this amount of available funds may consist of balances due to the bank from good solvent banks, and one-half of such sum shall be held in reserve in cash on hand. Immediate liabilites shall include all deposits made by individual firms or corporations, or by banks, and all items in the nature of claims payable on demand; in cash on hand shall be counted specie, legal tender notes and all bills of solvent banks. Whenever the available funds of any bank shall be below twenty (20) per centum of its immediate liabilities, such bank shall not make any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required proportion between its immediate liabilities and its available funds has been restored.

Reserve in cash and banks.

Reserve depleted shall be restored.

SEC. 19. No bank or any stockholder thereof shall, during the time it shall continue its banking operations, withdraw or permit to be withdrawn, either in

Capital not to be withdrawn.

the form of dividends or otherwise any portion of its capital. If losses have at any time been sustained by any such bank, equal to or exceeding its undivided profits then on hand, no dividend shall be made and no dividend shall ever be made by any such bank, while it continues its banking operations, to any amount greater than its profits then on hand, deducting therefrom its losses and bad debts. All debts due to any bank, on which interest is past due and unpaid for a period of twelve months, unless the same are well secured, or in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock of the bank as provided by this act.

Dividends to be made from net profits.

Bad debts defined.

SEC. 20. On becoming satisfied that any bank has refused to pay its deposits in accordance with the terms on which such deposits were received (if received in accordance with the provisions of this act), or that any bank has become insolvent, or that its books and accounts are kept in a false or fraudulent manner, or that any bank has violated any of the provisions of this act, the superintendent of banks may forthwith take possession of the books, records and assets of every description of such bank, and hold the same, and said books, records and assets shall not be subject to levy or attachment during such reasonable time as may be necessary for further examination and to enable the superintendent to apply to a court of competent jurisdiction for the appointment of a receiver for such bank, and under the direction of such court, the receiver so appointed shall take possession of the books, records and assets of every description of such bank, collect all debts, dues and claims belonging to it and sell or compound all bad or doubtful debts, dues and claims belonging to it and sell or compound all bad or doubtfull debts, and sell all the real or personal property of such bank on such terms as the court shall direct, and may, if necessary to pay the debts of such bank, enforce all individual liability of the stockholders, such receiver shall pay over all money so collected or received upon the order of the court and make report of his acts and proceedings when required to the superintendent of banks in such form and manner as the superintendent shall prescribe,

Superintendent to take possession and apply for a receiver.

Receiver may enforce liability of stockholders

Provided, that if upon more detailed examination the superintendent of banks finds that the condition of the bank is such that all creditors of the bank other than those represented by the stock, can be paid in full from the assets of the bank, the superintendent may in such cases relinquish possession of the assets to the proper

Bank may have assets restored.

officers of such bank and, *provided, further*, if at any stage of the proceedings the stockholders show to the court that the bank is able to pay all creditors other than those represented by the stock, if such showing is approved after due examination by the superintendent of banks, the court may order the return of the assets to the stockholders for liquidation or such other course as the stockholders may in compliance with law determine to pursue and in such case the receiver shall be discharged by order of the court.

Receiver to advertise.

SEC. 21. Upon appointment as above provided, the receiver shall cause notice to be given by advertising in such newspaper as the court shall direct once in each week, for four (4) successive weeks, calling on all persons who may have claims against such bank to present the same to said receiver and make legal proof thereof.

Unpaid capital and impaired capital to be paid in and assessment of shareholders.

SEC. 22. Every bank which shall have failed to pay up its capital stock, as required by law and every bank whose paid up capital stock shall have become impaired by losses or otherwise, shall within ninety days after receiving notice thereof from the superintendent of banks, pay the deficiency in the paid up capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each, and if such bank shall fail to pay in such deficiency of its paid up capital stock and shall refuse to go into liquidation as provided by this act, ninety days after receiving notice from the superintendent a receiver may be appointed to close up the business of the bank, in the same manner as in the case of an insolvent bank: *Provided*, that such bank having such deficiency in its paid up capital stock, may by consent of the superintendent of banks reduce its paid up capital stock, as provided by this act, and in case of such reduction, there should still remain a deficency in the paid up capital stock, the superintendent shall require such deficiency to be paid in before approving the reduction of its capital stock.

Capital may be reduced.

Assessment enforced.

SEC. 23. Whenever any shareholder or his assignee fails to pay any assessment on the stock when the same is required by the preceding section to be paid, the directors of said association may sell the stock of such delinquent shareholder at public auction, having given three weeks previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, or if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, such price to be not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if

any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be cancelled and deducted from the capital stock of the association. If any such cancellation and deduction shall reduce the capital of the association below the minimum of capital required by law, the capital stock shall within thirty days from the date of such cancellation, be increased to the required amount: in default of which a receiver may be appointed, according to the provisions of this act, to close up the business of the association.

Amendment of articles.

SEC. 24. A bank may amend its articles of incorporation in any manner not inconsistent with the provisions of this act, at any time, by a majority vote of its capital stock, had at a meeting duly called for that purpose. A certificate of that fact shall be executed by its officers including a majority of its directors, and filed and published as required for articles of incorporation.

Increase of capital and payment.

SEC. 25. Any bank organized under the provisions of this act, may, by its articles of incorporation, provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act. But no increase of capital shall be valid until the whole amount of the increase proposed is paid in cash, and such payment certified under oath by the president, vice president or cashier of such bank to the superintendent of banks, who shall give his certificate that the provisions of this section have been complied with, and specifying therein the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as a part of the capital of such bank. Any bank formed under this act may, by a majority vote of its capital stock reduce its capital to any sum not below the amount required by this act to authorize the formation of banks; but no such reduction shall be made until the amount of the proposed reduction has been reported to the superintendent of banks and his approval in writing obtained, and no such reduction shall be construed as effecting the liability of shareholders for any debts of the bank incurred prior to such reduction.

Superintendent to certify to payment.

Reduction of capital.

SEC. 26. A bank which is in good faith winding up its business for the purpose of consolidating with some other bank, may transfer its assets and liabilities to

Consolidation authorized.

the bank with which it is in process of consolidation: but no such consolidation of banks shall be made without the consent of the superintendent of banks, and when made with such consent, it shall not operate to defeat or defraud any of the creditors in the collection of their claims against said banks, or either of them.

SEC. 27. Any bank organized under the provisions of this act may go into liquidation and be closed by a vote of its stockholders owning more than one-half of its capital. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the bank, by its president, vice president or cashier, to the superintendent of banks, and publication thereof, notifying creditors to present their claims against the bank for payment shall be made once in each week, for eight succcessive weeks, in a newspaper published in the city, village or county in which the bank is located, or if no newspaper is there published, then in a newspaper at the nearest county seat.

Stockholders may vote to go into liquidation.

SEC. 28. Whenever any bank existing under the laws of the United States, is authorized to dissolve, and shall have taken the necessary steps to effect dissolution, it shall be lawful for a majority of the directors of such bank upon the authority in writing of the owners of two-thirds of its capital stock, with the approval of the superintendent of banks, to execute articles of incorporation as provided in this act, which articles, in addition to the requirements above, shall further set forth the authority derived from the stockholders of such dissolved national bank and upon filing the same as hereinbefore provided for the incorporation of banks, the same shall become a bank under the laws of this state. Thereupon all assets, real and personal, of said dissolved national bank shall, by act of law, be vested in and become the property of such state bank, subject to all liabilities of said national bank not liquidated under the laws of the United States before such incorporation.

National banks may become incorporated under this act.

SEC. 29. The powers, privileges, duties and restrictions conferred and imposed upon any bank existing and doing business under the laws of this state are hereby abridged, enlarged or modified, as each particular case may require, to conform to the provisions of this act, and to such amendments as may be made thereto. But nothing in this act, shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made or transactions had, and nothing herein contained shall be deemed to affect the rights or remedies of per-

This act applies to existing banks.

sons holding circulating bank notes heretofore issued under any law of this state and remaining unredeemed.

Repeals.

SEC. 30. All acts and parts of acts inconsistent herewith are hereby repealed.

Act takes effect

SEC. 31. This act shall take effect and be in force from and after August first, one thousand eight hundred and ninety-five.

Approved April 15, 1895.

CHAPTER 146.

S. F. No. 414.

Naming Banking and Trust Co.'s.

An act regulating the naming of banking and trust corporations.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. No corporation shall hereafter be organized under any law of this state governing the creation of banking or trust companies until the name by which it is proposed such corporation shall be known has been submitted to the public examiner and been by him approved in writing.

To be submitted to public examiner.

SEC. 2. It is hereby made the duty of the public examiner to carefully compare the name of any proposed banking or trust company submitted to him, with the names of all other such institutions organized under the laws of this state, as the same shall be found in the offices of the public examiner and secretary of state. If the name proposed, will, in the opinion of the public examiner, tend to confound any existing banking or trust company with the proposed corporation, should it assume the name suggested, then he shall refuse to approve it, and other names shall be submitted until one shall meet his approval.

Examiner to compare with other names.

SEC. 3. If the public examiner believes that a name submitted may be objectionable to any existing bank or trust company, or companies, it shall be his duty to notify any such company or companies, that a corporation is proposed to be known as.....(giving name); and ask it to file with him within twenty days from that date its objections, if it has any, to the assumption of such name by the proposed corporation. If no objection is filed within such time, then the public examiner may consider that the name in question is not objectionable to any existing corporation and may approve it accordingly, if, however the name proposed is objected to by any existing corporation, then the public examiner shall not approve it.

To confer with other banks and trust companies.

SEC. 4. Neither the public examiner, the secretary of state nor any register of deeds shall receive for filing or recording articles of incorporation of any bank or trust company unless there shall be endorsed thereon a certificate of the public examiner to the effect that the name by which any such corporation is to be named, as given in such articles of incorporation has been approved by him. Such certificate shall be recorded with the articles to which it is affixed, and shall also be published with their publication.

Approval of names to be endorsed on articles.

Application.

SEC. 5. The provisions of this act shall apply to all amendments of articles of incorporation which purpose to change in any way the name of any existing bank or trust company.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

S. F. No. 361.

CHAPTER 147.

Surplus money of B. & L. Co.'s

An act authorizing building, loan and savings associations, doing a general business, to invest surplus moneys, in certain cases.

Be it enacted by the Legislature of the state of Minnesota:

Building and Loan Co.'s may receive deposits.

SECTION 1. It shall be lawful for any building, loan and savings association, doing a general business and incorporated under the laws of this state, to receive deposits and invest their surplus moneys as hereinafter provided.

May purchase tax titles with surplus.

SEC. 2. Any such association may by a resolution of a majority of the board of directors invest its surplus moneys not otherwise invested as provided by law, in the purchase of real estate at any tax sale held in any county in this state; or in the purchase from the state of any lands bid in for or by the state at any such tax sale, pursuant to the statutes in such case made and provided and remaining unredeemed; and the auditor of the county wherein the lands so purchased are situated, shall execute to the association so purchasing a certificate of sale, or a state assignment certificate, as the case may be, as if the purchaser were a natural person, *provided*; that the amount so invested in each month shall not exceed fifty (50) per centum of moneys not otherwise invested in any one month. *Provided further*, that the full amount so invested shall not at any time exceed twenty (20) per centum of the

whole amount otherwise invested. But no moneys shall be invested in such tax titles except such moneys as shall have accumulated and remained uninvested for a period of sixty (60) days after all acceptable applications for loans by its members shall have been provided for.

SEC. 3. Any association mentioned in section one (1) of this act, to which a certificate of sale, or a state assignment certificate is issued pursuant to section three (3) of this act, shall if the lands therein described are not redeemed according to law, take hold and own the same in fee simple and be authorized to sell and convey the same to all intents and purposes and to the same extent and degree as if said lands had been acquired by such association in the regular course of its business under and pursuant to chapter one hundred and thirty-one (131) of the general laws of one thousand eight hundred and ninety-one, entitled "An act to amend an act entitled 'An act relative to building, loan, and savings associations, doing a general business,' the same being chapter two hundred and thirty-six (236) of the general laws of one thousand eight hundred and eighty-nine, (1889)" and all acts and parts of acts and all laws of this state inconsistent with this act are hereby repealed.

May acquire fee title.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

CHAPTER 148.

H. F. No. 509.

An act to regulate the receipt, storage and shipment of grain at elevators and warehouses on the right of way of railroads, depot grounds and other lands used in connection with such line of railway in the State of Minnesota, at stations and sidings, other than at terminal points.

Elevator and grain laws.

95 C 148
77-M - 223
79-M - 416
79-NW 963

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. All elevators and warehouses in which grain is received, stored, shipped or handled and which are situated on the right of way of any railroad, depot grounds or any lands acquired or reserved by any railroad company in this state to be used in connection with its line of railway at any station or siding in this state, other than at terminal points, are hereby declared to be public elevators and shall be under the supervision

Railroad elevators placed under railway and warehouse commission.

and subject to the inspection of the railroad and warehouse commission of the state of Minnesota, and shall, for the purposes of this act, be known and designated as public country elevators or country warehouses.

It shall be unlawful to receive, ship, store or handle any grain in any such elevator or warehouse, unless the owner or owners thereof shall have procured a license therefor from the state railroad and warehouse commission, which license shall be issued for the fee of one (1) dollar per year, and only upon written application under oath, specifying the location of such elevator or warehouse and the name of the person, firm or corporation owning and operating such elevator or warehouse and the names of all the members of the firm or the names of all the officers of the corporation owning and operating such elevator or warehouse and all moneys received for such licenses shall be turned over to the state grain inspection fund. Such license shall confer upon the licensee full authority to operate such warehouse or elevator in accordance with the laws of this state and the rules and regulations prescribed by said commission, and every person, company or corporation receiving such license shall be held to have accepted the provisions of this act, and thereby to have agreed to comply with the same.

Must be licensed.

Revoking license.

If any elevator or warehouse is operated in violation or in disregard of the laws of this state its license shall, upon due proof of this fact, after proper hearing and notice to the licensee, be revoked by the said railroad and warehouse commission. Every such license shall expire on the thirty-first (31st) day of August of each year.

SEC. 2. No person, firm or corporation shall in any manner operate such public country elevator or country warehouse without having a license as specified in the preceding section, and any attempt to operate such elevator or warehouse without such license shall be deemed a misdemeanor to be punished as hereinafter provided, and any attempt to operate such elevator or warehouse in violation of law and without having the license herein prescribed; may upon complaint of the party aggrieved, and upon complaint of the railroad and warehouse commission, be enjoined and restrained by the district court for the county in which the elevator or warehouse in question is situate, by temporary and permanent injunction, conformably to the procedure in civil actions in the district court.

Penalty for operating without a license.

SEC. 3. The railroad and warehouse commission shall before the first (1st) of September of each year, and as much oftener as they shall deem proper, make

Rules and regulations.

and promulgate all suitable and necessary rules and regulations for the government and control of public country elevators and public country warehouses, and the receipt, storage, handling and shipment of grain therein and therefrom, and the rates of charges therefor, and the rates so fixed shall be deemed prima facie, responsible and proper, and such rules and regulation shall be binding and have the force and effect of law; and a printed copy of such rules and regulations shall at all times be posted in a conspicuous place in each of said elevators and warehouses, for the free inspection of the public.

Accounts of business done by elevators to be kept.

Duties in the running of an elevator.

SEC. 4. The party operating such country elevator or country warehouse shall keep a true and correct account in writing, in proper books, of all grain received, stored and shipped at such elevator or warehouse, stating the weight, grade and dockage for dirt or other cause on each lot of grain received in store for sale, storage or shipment, and shall, upon the request of any person delivering grain for storage or shipment, receive the same without discrimination during reasonable and proper business hours, and shall, upon request, deliver to such person or his principal, a warehouse receipt or receipts therefor in favor of such person or his order, dated the day the grain was received, and specifying upon its face the gross and net weight of such grain, the dockage for dirt or other cause, and the grade of such grain, conformable to the grade fixed by the state railroad and warehouse commission and in force at terminal points; and shall also state upon its face that the grain mentioned in such receipt or receipts has been received into store to be stored with grain of the same grade under such inspection, and that, upon the return of said receipt or receipts, and upon the payment or tender of payment of all lawful charges for receiving, storing, delivering or otherwise handling said grain, which charges may have accrued up to the time of the return of said receipt or receipts, such grain is deliverable to the person named therein, or his order, either from the elevator or warehouse where it was received for storage; or if the owner so desires, in quantities not less than a carload on track on the same line of railway at any terminal point in this state which the owner may designate, where state inspection and weighing is in force, such grain to be subject to such official inspection and weight as may be determined upon its arrival or delivery at such terminal point and the party delivering shall be liable for the delivery of the kind, grade and net quantity called for by such certificate, less an allowance not to exceed sixty (60)

95 C 148 §4
82-NW 678

pounds per carload for shrinkage or loss in transit, if such shrinkage or loss occurs. On the return or presentation of such receipts by the lawful holder thereof, properly indorsed, at the elevator or warehouse where the grain represented therein is made deliverable and upon the payment or tender of payment of all lawful charges, as hereinbefore provided, the grain shall be immediately delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for such delivery shall have been made, and cars are furnished by the railway company which the party operating the elevator or warehouse shall have called for promptly upon the request for shipment made by the holder of such receipt in the order of the date upon which such receipts are surrendered for shipment. The grain represented by such receipt shall be delivered within twenty-four (24) hours after such demand shall have been made and cars or vessels or other means of receiving the same from the elevator or warehouse shall have been furnished.

If not delivered upon such demand within twenty-four (24) hours after such car, vessel or other means for receiving the same shall have been furnished, the warehouse in default shall be liable to the owner of such receipt for damages for such default, in the sum of one (1) cent per bushel and in addition thereto, one (1) cent per bushel for each and every day of such neglect or refusal to deliver; *provided*, no warehouseman shall be held to be in default in delivering if the property is delivered in the order demanded by holders of different receipts or terminal orders and as rapidly as due diligence, care and prudence will justify.

On the return of said receipts, if shipment or delivery of the grain at terminal point is requested by the owner thereof, the party receiving such grain shall deliver to said owner a certificate in evidence of his right to such shipment or delivery, stating upon its face the date and place of its issue, the name of the consignor and consignee and place of destination and shall also specify upon the face of such certificate the kind of grain and the grade and net quantity exclusive of dockage, to which said owner is entitled by his original warehouse receipts and by official inspection and weighing at such designated terminal point.

The grain represented by such certificate shall be subject only to such freight or transportation or other lawful charges which would accrue upon said grain from the date of the issue of said certificate to the date of actual delivery, within the meaning of this act, at such terminal point.

All warehouse receipts issued for grain received and all certificates shall be consecutively numbered, and no two receipts or certificates bearing the same number shall be issued during the same year from the same warehouse, except, when the same is lost or destroyed, in which case the new receipt or certificate shall bear the same date and number as the original and shall be plainly marked on its face "Duplicate." Warehouse receipts or certificates shall not be issued except upon grain which has actually been delivered in said country warehouse. Warehouse receipts shall not be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. No receipt or certificate shall contain language in anywise limiting or modifying the liability of the party issuing the same as imposed by the laws of this state, and any such language, if inserted, shall be null and void.

A failure to specify in such warehouse receipts or certificates the true and correct grade and net weight, exclusive of dockage, of any lot of grain to which the owner of such grain may be entitled shall be deemed a misdemeanor on the part of the person issuing the same for which, on conviction, he may be punished as hereinafter provided.

When grain to be submitted to grain inspector for grading or dockage.

SEC. 5. In case there is a disagreement between the person in the immediate charge of and receiving the grain at such country elevator or warehouse, and the person delivering the grain to such elevator or warehouse for storage or shipment, at the time of such delivery, as to the proper grade or proper dockage for dirt or otherwise, on any lot of grain delivered, an average sample of at least three (3) quarts of the grain in dispute may be taken by one or both parties and forwarded in a suitable sack, properly tied and sealed, express charges prepaid, to the chief inspector of grain at St. Paul, which shall be accompanied by the request in writing, of either or both of the parties aforesaid, that the said chief inspector shall examine the same and report what grade or dockage or both the said grain is, in his opinion, entitled to and would receive, if shipped to the terminal points and subjected to official inspection.

It shall be the duty of said chief inspector, as soon as practicable, to examine and inspect such sample of grain and adjudge the proper grade or dockage or both, to which said sample is, in his judgment, entitled and which grain of like quality and character would receive if shipped to the terminal points and subjected to official inspection.

As soon as said chief inspector has examined, inspected and adjudged the grade and dockage, as aforesaid,

he shall at once make out in writing and in triplicate a statement of his judgment and finding in respect to the case under consideration, and shall transmit by mail to each of the parties to said disagreement, a copy of the said statement of his judgment and finding, preserving the original together with the sample on file in his office.

The judgment and finding of the said chief inspector shall be deemed conclusive as to the grade or dockage or both of said sample, submitted for his consideration, as herein provided, as well as conclusive evidence of the grade or dockage or both, that grain of the same quality and character would receive if shipped to the terminal points and subjected to official inspection.

Complaints of unfairness and discrimination —how dealt with.

SEC. 6. Whenever complaint is made, in writing, to the railroad and warehouse commission, by any person aggrieved, that the party operating any country elevator or country warehouse under this act fails to give just and fair weights and grades, or is guilty of making unreasonable dockage for dirt or other cause, or fails in any manner to operate such elevator or warehouse fairly, justly and properly, or is guilty of any discrimination then it shall be the duty of the railroad and warehouse commission to inquire into and investigate said complaint and the charge therein contained, and to this end and for this purpose the commission shall have full authority to inspect and examine all the books, records and papers pertaining to the business of such elevator or warehouse and all the scales, machinery and fixtures and appliances used therein.

In case the said commission find the complaint and charge therein contained, or any part thereof true, they shall adjudge the same in writing and shall at once serve a copy of such decision, with a notice to desist and abstain from the error and malpractice found, upon the party offending and against whom the complaint was made, and to afford prompt redress to the party injured, and if such party does not desist and abstain and does not give the proper redress and relief to the party injured, it shall be the duty of the said commission to make a special report of the facts found and ascertained upon the investigation of said complaint and the charge therein contained, which report shall also include a copy of the decision by said commission made therein to the attorney of the county where such elevator or warehouse is located who shall institute and carry on in the name of the complainant such actions civil or otherwise as may be necessary and appropriate to redress the wrongs complained of and to prevent their recurrence in the future.

Reports to warehouse commission.

SEC. 7. Any person, firm or corporation operating any country warehouse or country elevator under this act, shall at any and all times when requested by the railroad and warehouse commission, render and furnish in writing under oath to the said commission a report and itemized statement of all grain received and stored in or delivered or shipped from such elevator or warehouse during the year then last passed, such statement shall specify the kind, grade, gross and net weight of all grain received or stored and all grain delivered or shipped, and shall particularly specify and account for all so-called overages that may have occurred during the year. Such statement and report shall be made upon blanks and forms furnished and prescribed by the railroad and warehouse commission.

Inspection.

The commission shall cause every warehouse and the business thereof, and the mode of conducting the same, to be inspected at such times as the commission may order, by one or more members of the commission or by some member of the grain inspection department, especially assigned for that purpose, who shall report in writing to the commission the result of such examination; and the property, books, records, accounts, papers and proceedings, so far as they relate to their condition, operation or management, shall, at all times during business hours, be subject to the examination and inspection of such commission.

Pooling.

SEC. 8. It shall be unlawful for any person, firm or corporation who shall operate any country grain elevator or country warehouse, under this act, to enter into any contract, agreement, understanding or combination with any other person, firm or corporation, who shall operate any other country grain elevator or country grain warehouse under this act, for pooling of the earnings or business of other different and competing grain elevators or warehouses so as to divide between them the aggregate or net proceeds of the earnings or business of such grain elevators or warehouses, or any portion thereof; and in case of any agreement for the pooling of the earnings or business aforesaid, each day of its continuance shall be deemed a separate offense.

Penalty for violating acts.

SEC 9. Any person, firm or corporation who is guilty of any of the misdemeanors specified in this act, or who is guilty of violating any of the provisions of this act, shall, on conviction, be punished by a fine of not less than fifty (50) dollars and not more than five hundred (500) dollars and in case a natural person is so convicted, he may be imprisoned until the fine is paid or

until discharged by due course of law; and in case a corporation is so convicted, the fine may be collected by execution, as judgments are collected in civil actions, or the property of the corporation may be sequestered and charged with the same in appropriate legal proceedings.

SEC. 10. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after the date of its passage.

Approved April 16th, 1895.

S. F. No. 453.

CHAPTER 149.

Storage and warehousemen.

95 c 149
5-LRA
(n s) 327

An act to license and regulate the business of storage companies and public warehousemen (other than warehousemen of grain in bulk) and to provide penalty for violation of the same.

Be it enacted by the Legislature of the state of Minnesota:

License by governor.

SECTION 1. The governor may license any suitable person, persons, or corporations established under the laws of this state, and having their place or places of business within this state, to carry on the business of storage companies or public warehousemen, who may keep and maintain public warehouses for the storage of goods, wares and merchandise etc., excepting grain in bulk.

Said license must be obtained within thirty days from and after the passage of this bill, upon the payment into the treasury of the state of the sum of ten dollars; and annually thereafter, by the payment of a like sum, to be credited to the school fund of the state.

Bonds.

SEC. 2. Each person or corporation licensed under the preceding section shall give a bond to the treasurer of the state in the penal sum of five thousand ($5,000) dollars, with good and sufficient sureties to be approved by the governor, for the faithful discharge of the duties of a public warehouseman.

Actions on bond.

SEC. 3. When any one licensed to do business as a storage company or as a public warehouseman fails to perform his duty, or violates any of the provisions of this chapter, any person, persons or corporation injured by such failure or violation may, with the consent of the attorney general, bring an action in the name of the state, but to his or their own use, in any

court of competent jurisdiction, on the bond of such storage company or warehouseman.

In such action the person, persons or corporation in whose behalf the action is brought shall file with the court a satisfactory bond for costs, and the state shall not be liable for any costs.

Insuring goods stored.

SEC. 4. Every such storage company or warehouseman shall when requested thereto in writing by any party placing property with him in storage, cause such property to be insured for whom it may concern;

And no such storage company or warehouseman shall be held liable for the loss or damage by fire to the owner or owners of any property stored with him, unless such request to insure is made as aforesaid and he or they fail to comply therewith; *provided*, that such loss or damage is not occasioned through the negligence of himself, his agents, servants or employes.

Provided, that such storage company or warehouseman may, in case they deem it necessary and proper, insure such property without such request in writing, in which event the cost of such insurance shall be and become a valid lien and charge thereon as provided in section eight of this act.

Title follows warehouse receipt.

SEC. 5. The title to goods and chattels stored with a storage company or in a public warehouse shall pass to a purchaser, or pledgee, by the indorsement and delivery to him of the storage company's or warehouseman's negotiable receipt therefor, signed by the party to whom such receipt was originally given, or by an indorsee of such receipt, subject to all liens and charges thereon for warehouseing, advanced charges and insurance.

SEC. 6. Every such storage company or warehouseman shall receive, forward and store all property offered for such purposes by any person, persons or corporation, impartially and at as low a rate of charge, and in a manner and on terms, and in quantities as favorable to the party offering such property as it or he at the same place receives, forwards and stores, in the ordinary course of business, property of like description and in similar quantities offered by any other person, persons or corporation.

No discrimination.

And no such storage company or warehouseman shall discriminate against any particular person, persons or corporation, or subject them or him to any undue or unreasonable prejudice or disadvantage.

And any court having jurisdiction shall have power to enforce the provisions of this act by injunction, or other suitable process.

SEC. 7. Every such storage company or warehouse-

Penalty for discrimination.

man who neglects, or refuses to comply with the provisions of the preceding section shall forfeit, for every such offense, not less than fifty nor more than five hundred dollars, to be recovered in an action by the party offering the property for storage.

SEC. 8. Every such storage company or warehouseman who stores, keeps, cares for, or advances money on, or insures personal property shall have a lien thereon for his reasonable charges for storing, keeping, caring for and insuring the same, and for the charges he may have advanced on the same and legal interest thereon, and may retain possession of the same, and have the same power of sale for the satisfaction of his reasonable charges for storage, advance charges and interest and insurance, upon the same conditions and restrictions as provided in sections three and four of chapter two hundred and two of the general laws of Minnesota for one thousand eight hundred and eighty-five; and such lien shall take precedence over any other lien on said property.

Lien for charges.

95 c 149 § 8
93-M - 457
101-NW 966
97-M - 402
106-NW 477

Must be licensed.

SEC. 9. It shall be unlawful for any person, persons or corporation, not duly licensed as herein provided, to conduct or carry on the business of a storage company or warehouseman in this state.

Penalty.

SEC. 10. Any person, persons or corporation who shall violate the provisions of section nine or eleven of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding one thousand dollars.

To whom applicable.

SEC. 11. This act shall not be construed to apply to any railroad or transportation company who holds goods, wares, or merchandise in cars, freight houses or warehouses for a period not exceeding twenty days after receipt.

Provided, such railroad or transportation company shall, within forty-eight hours after the receipt of such goods, wares and merchandise, notify the consignee of the arrival thereof in writing, and in case such consignee, or his assigns fails and neglects to call for or receive said goods, wares or merchandise within twenty days after such receipt of same by any railroad or transportation company as aforesaid, said railroad or transportation company must then turn over said goods, wares, or merchandise to a storage company or public warehouseman, licensed as in this act provided, upon the payment of the charges of said carrier thereon, which charges thus paid by said storage company or warehouseman to said carrier shall be a lien on said goods, wares or merchandise, and enforcible in accordance with sections one, two, three and four, chapter

two hundred and two, of the general of one thousand eight hundred and eighty-five.

SEC. 12. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after July first, A. D. one thousand eight hundred and ninety-five.

Approved April 25th, 1895.

CHAPTER 150.

H. F. No. 295.

An act to prohibit railway corporations doing business in the State of Minnesota, from charging excess for overloading cars, and providing penalties for overloading cars.

Overloading cars.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That every railway company doing business in the state of Minnesota shall place lines inside their cars with paint, which shall indicate to what height in the car any certain grain can be loaded, and when loaded to such line, no excess charges above the car load rate for overloading shall be charged;

Cars to be marked inside for grain.

Provided, however, that the person who shall load said car with grain shall note on the bill of lading, previous to its being signed by the railway agent, conductor, or other official acting for the railway company, that the car is loaded up to or below the line marked for the grain loaded, and it shall then be the duty of such railway agent, conductor or other official, before signing such bill of lading or receipt, to ascertain the truth of the statements contained therein, and then to sign said bill of lading or receipt, and such bill of lading or receipt signed by the railway agent, conductor or other official shall be prima facia evidence that it was so loaded and no excess charges above the car load rates for overloading shall lie against such car.

No charge for excess.

Provided further that no car shall be loaded above the grain line indicated in such car.

Not to be loaded above mark.

Provided, further, that any person who loads any car above the proper grain line, marked in the car, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than twenty (20) dollars.

Penalty.

SEC. 2. If any railway company shall neglect or refuse to place such line in its cars it shall be prohibited

Remedy.

from collecting any excess charges above the regular tariff rates on car load lots.

Penalties and fines.

SEC. 3. Any of the persons named in section one (1) of this act who shall refuse to sign a bill of lading or receipt for any grain containing the notations prescribed in section one (1) of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten (10) dollars nor more than twenty-five (25) dollars and the costs of prosecution.

SEC. 4. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

S. F. No. 180.

CHAPTER 151.

Regulating traction engines.

An act regulating the operation of traction engines in this state.

Be it enacted by the Legislature of the state of Minnesota:

Must not whistle—when

SECTION 1. It is hereby declared to be unlawful for any engineer, owner, manager, fireman or other persons having charge or control of any traction engine within this state, to cause or permit the whistle of said engine to be blown at any time in any street or highway of any city or village or township within the state, within 500 feet of any team passing on such highway.

Must stop—when.

SEC. 2. It is hereby made the duty of every such engineer, manager, fireman, owner or any other person in charge or control of any traction engine when said engine is being propelled or moved along any street or highway within the state, to stop the same at least one hundred feet before meeting any horse or team or teams of horses that may be traveling upon such street or highway.

Providing such horse or team of horses are in sight from the position of such engine, and

Provided, it be not on a side hill where such stoppage might expose the flues of such engine and cause an explosion,

And not to start the same after so stopping until such horses or team or teams of horses, shall have passed the said engine.

Broken bridge or culvert—by whom mended.

SEC. 3. In case any bridge or culvert along any highway or street within the state shall be broken or destroyed by the passage of any traction engine over the

same, whether the same be operated by the owner, engineer, manager, fireman or any other person who is requested or permitted by the owner thereof to have charge or control of the movement of the same, and shall have neglected to furnish planks to protect the said bridge or culvert, one-half of the expense of replacing or repairing said bridge or culvert shall be borne by the owner of said engine; *provided*, that the said expense shall not exceed the sum of fifty dollars,

And the same may be recovered in a civil action brought against said owner by the proper authorities of the city, village or township in which said bridge or culvert is situated, in the name of such city, village or township.

Penalties.

SEC. 4. Any person wilfully violating any of the provisions of sections one (1) or two (2) of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail for a period not exceeding ninety days.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 18th, 1895.

CHAPTER 152.

S. F. No. 641

Express Companies.

An act to regulate express companies, declaring them to be common carriers, and to make such companies subject to the laws of this state regulating common carriers.

Be it enacted by the Legislature of the state of Minnesota:

Declared common carriers.

SECTION 1. That every person, firm, corporation or association which shall do the business of an express company upon railroads in this state by the carrying of any kind of property for compensation is hereby declared to be a common carrier and subject to all the laws of the state of Minnesota, regulating common carriers, and particularly to the act approved March 7th, eighteen hundred and eighty-seven, entitled "An act to regulate common carriers and creating the railroad and warehouse commission of the state of Minnesota and defining the duties of such commission in relation to common carriers," and of the various acts amendatory thereof.

Placed under R. R. and warehouse commission.

SEC. 2. The railroad and warehouse commission of the state of Minnesota are hereby authorized, directed and empowered to assume the same powers, duties and responsibilities with reference to express companies in this state that they now exercise under the law with reference to other common carriers by railroad, with the same authority and jurisdiction, and the same methods of procedure as are by law provided for in the case of such other common carriers.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

H F. No. 520.

CHAPTER 153.

State Reform School.

An act entitled An act to change the name of the Minnesota State Reform School and to consolidate the various acts relating to said school and to amend the same.

95 C 153
73-M - 77

Be it enacted by the Legislature of the state of Minnesota:

95 c 153
07 - 282

"Minnesota State Training School for boys and girls."

SECTION 1. That the name, style and title of the Minnesota State Reform School be and the same is hereby changed to, and shall be known by the name of the "Minnesota State Training School for Boys and Girls."

SEC. 2. That the Minnesota State Training School shall be managed and conducted in behalf of the state and as a state institution, by a board of five (5) managers, three (3) of whom shall constitute a quorum for the transaction of business.

Board of managers.

That the persons now constituting said board shall continue to serve as managers for the term for which they were respectively appointed, and on the second (2) Monday of January of each and every year thereafter the governor shall appoint one (1) competent person to serve as manager on said board for five (5) years, and within twenty (20) days after such annual appointment the governor shall designate one (1) of said managers to act as president of said board for the period of one (1) year and until his successor shall be designated; and the governor shall duly notify said board of such appointment at their first regular meeting thereafter; and the said managers shall always at their first regular meeting after the appointment of their president, elect by a plurality of votes, such other officers of said board as may be by them deemed expedient; and whenever any vacancy shall occur in said board,

by death, resignation, or otherwise, the governor shall fill the same by appointment and the appointee shall hold only for the unexpired term of the person whose place he was appointed to fill.

The members of said board shall in all cases hold over after the expiration of the term for which they shall have been appointed until their successors respectively shall have been appointed and qualified.

No member of the board of managers shall receive any compensation for his services.

SEC. 3. That the board of managers shall keep said institution provided with suitable buildings and grounds in the county of Goodhue, and may provide for the construction of necessary buildings, by contract or otherwise, out of any appropriations available therefor, and shall establish such regulations respecting the religious and moral education, training, employment, discipline and safe keeping of the inhabitants of said institution as may be deemed expedient and proper. Duties.

SEC. 4. That section one (1) of chapter thirty-seven (37), of the general laws of eighteen hundred and eighty-three (1883), be and the same is hereby amended to read as follows:

"That whenever any infant over the age of eight (8) years and under the age of sixteen (16) years, shall have been duly convicted in any of the courts in this state, of any crime punishable by imprisonment, except the crime of murder, or shall be convicted of vagrancy or incorrigibly vicious conduct, it shall be the duty of the magistrate, or any court before whom such conviction is had, to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota State Training School; and said managers shall have the power to place said children committed to their care, until their arrival at the age of twenty-one (21) years, at such employment, and cause them to be instructed in such branches of useful knowledge, as may be suitable to their years and capacity; and they shall have the power, at their discretion, to place in suitable homes, or to bind out as apprentices, the said children, to such persons and at such places, to learn such trades and employments, as in the judgment of said managers will be most conducive to their reformation and amendment, and will tend to the future benefit and advantage of such children." Committments. Instruction.

SEC. 5. That it shall be the duty of the board of managers to receive to the extent of the means placed at their disposal and of the accommodations afforded by the buildings and grounds belonging to said school, all infants under their care and guardianship, and the

same to keep until after their arrival at the age of twenty-one (21) years, or until discharged, apprenticed, or furloughed under the rules of said board, committed to said school in any of the following modes, to-wit:

Who to be committed.

First. Infants committed by a justice of the peace, on the complaint and due proof thereof by the parent, guardian or next friend of said infant, or other person, that by reason of incorrigible or vicious conduct such infant has rendered his or her control beyond the power of parent, guardian, or next friend, and made it manifestly requisite that from regard to morals and future welfare of such infant, he or she shall be placed under the guardianship of the managers of the Minnesota State Training School.

Second. Infants committed by the authority aforesaid, when complaint and due proof have been made that such person is a proper subject for the guardianship of the managers of the said Minnesota State Training School in consequence of vagrancy or incorrigibly vicious conduct, and that from the moral depravity or other insuperable obstacle on the part of the parent, guardian or next friend in whose custody such infant may be, such parent, guardian or next friend is incapable or unable to exercise the proper care and discipline over such incorrigible and vicious infant.

Third. Infants who shall be taken and committed as vagrants or as incorrigible or upon any criminal charge and duly convicted of any criminal offense or offenses such as in the judgment of the court before whom such conviction may be had, may be deemed a proper reason for such commitment.

Provided, nevertheless, that no infant shall be committed for vagrancy who is a proper subject for commitment to the state public school.

SEC. 6. That no justice of the peace shall have the power to commit any infant to the state training school upon the charge of incorrigibility, or other cause, unless such charge is proved by at least two (2) disinterested witnesses, and no commitment for incorrigibility or other cause, shall be sufficient to justify the admission of said incorrigible infant into said training school unless such commitment be approved by the judge of the district court of the district to which the county from which said infant is committed belongs, and no other consent or approval of any officer whatever shall be necessary to authorize the commitment; but in all cases of conviction before a justice of the peace, whether for incorrigibility or any other cause, the justice of the peace shall reduce all the evidence taken before him to writing, and state the name, age

Evidence necessary.

and residence of each witness examined, and transmit the same forthwith to the judge of the district court aforesaid, whose duty it shall be to examine the same and approve or disapprove of such conviction;

If the conviction of the justice is approved the minor shall forthwith be committed to the guardianship of said board of managers.

SEC. 7. The board of managers of the Minnesota State Training School are authorized and required to receive into their custody and guardianship and keep until discharged by the due course of law, all infants over the age of eight (8) years and under the age of sixteen (16) years committed to said training school by a sentence of any court of the United States, in and for this state for the commission of any offense against the laws of the United States of which said infant shall have been convicted, and for the support and keeping of such infant the United States shall be liable in the sum of fifty (50) cents per day for each infant. Federal wards.

SEC. 8. That the said managers may from time to time make by-laws, ordinances and regulations relative to the management, government, instruction, discipline, employment and disposition of said children while in said Minnesota State Training School as they may deem proper and may appoint such officers, agents and servants as they may consider necessary to transact the business of said school and may designate their duties and salaries, and, further, the said managers shall biennally lay before the legislature of the state on the first day of each session thereof, a report showing the number of children received into said school, the disposition which shall have been made of them, by instructing them, or employing them therein, placing them in suitable homes, or binding them out as apprentices; the receipts and expenditures of said managers, and generally all such facts and particulars as shall tend to exhibit the effects of said institution. Rules and regulations.

SEC. 9. It shall be the duty of the sheriff, or any constable of the respective counties, or in case of their absence, of any suitable person appointed by the court for such purpose, to convey any infant committed as aforesaid to said school, and justices of the peace and constables and sheriffs performing services under this act, shall be paid the same fees as are allowed for similar services in criminal cases, and the officer conveying any infant committed as aforesaid to said school shall receive therefor the same compensation as is allowed for the conveyance of prisoners to the state prison, such fees and compensation to be paid out of the treasury of the county from which such infant was committed. Fees for transportation.

Expense of maintenance.

SEC. 10. Any children received by the said board of managers under the conviction of any court within this state shall be clothed, maintained and instructed by the said board of managers at the public expense of the state.

Investigating houses of furloughed prisoners.

SEC. 11. The board of managers is authorized and empowered to appoint an agent whose salary shall not exceed one hundred (100) dollars per month and expenses, whose duty it shall be under such rules and regulations as the board of managers shall prescribe, to investigate the homes of the children previous to their furlough, to have the supervision over all inmates who are out on furlough or apprenticed children, until they shall arrive at the age of twenty-one (21) years, and to perform such other duties as may be from time to time required.

Such agent shall hold his office during the pleasure of the board of managers. He shall devote his entire time as such agent, occupy no other position, and receive no other compensation from any source whatsoever, for his services. The sum of three thousand (3,000) dollars or so much thereof as may be necessary, be and the same is hereby appropriated annually out of any moneys in the state treasury not otherwise appropriated to pay the salary and expenses of said agent.

Agent of board may recover concealed prisoner.

SEC. 12. The said agent is hereby authorized to enter any dwelling house or other building whenever he has reasonable cause to believe that any ward of the school is detained, concealed or kept in hiding and recover possession of the person of such ward, and any person who shall resist, obstruct or wilfully interfere with the said agent in his attempts to recover the possession of such ward is hereby declared guilty of a misdemeanor.

SEC. 13. Any parent, guardian or other person who shall abduct, conceal, entice or carry away, or improperly interfere with a child which has been committed to the state training school is hereby declared guilty of a misdemeanor.

Inmates may be transferred to reformatory

SEC. 14. The said managers shall have authority to transfer to the care and guardianship of the board of managers of the state reformatory any inmate of the said training school whose presence is deemed by them to be seriously detrimental to the interests of said institution and who is deemed to be a proper subject for the discipline of the reformatory, rather than of the training school, and such inmate where so transferred shall be in all respects subject to the rules and regulations and discipline of the said reformatory during the period for which he shall have been originally committed to the state training school, and the said managers of the

state training school shall have the authority to transfer to the care and guardianship of the board of control of the state public school any inmate of the said training school whose best interests, in the judgment of the board of managers of the state training school, would be subserved by the transfer to the care and guardianship of the state public school; providing that the board of control of the state public school shall consent to receive him; and the said inmate so transferred shall be in all respects subject to the rules, regulations and discipline of the state public school.

Taxation—exemption.

SEC. 15. That the grounds and buildings erected thereon for the use of said training school shall be exempt from taxation.

Roads and highways.

SEC. 16. That no person or persons, corporation or body politic shall be permitted to open, lay out or construct any road or highway, either private or public, under any pretense whatever, upon or through any ground owned or occupied by said school without the consent of the board of managers thereof.

SEC. 17. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved April 1st, 1895.

CHAPTER 154.

H. F. No. 310.

An act to provide for and regulate the employment of prisoners confined in the state prison and the state reformatory, and to repeal chapter two hundred and fifty-five (255) of the general laws of eighteen hundred and eighty-nine (1889).

Be it enacted by the Legislature of the state of Minnesota:

Trade of state prisoners.

SECTION 1. It shall be the duty of the court in which any person shall be convicted of any offense punishable by confinement in the state prison, or the state reformatory, before passing the sentence, to ascertain by the examination of such convict on oath, and in addition to such oath, by such other evidence as can be obtained, the business, if any, in which such convict had been engaged prior to such arrest and conviction; whether such convict had learned and practiced any mechanical trade, and if so, the nature of such trade and length of time the same has been followed, and the clerk of the court shall enter the facts as ascertained and decided

by the court on the minutes thereof, and shall deliver a certificate fully stating the facts so ascertained, to the sheriff of the county, or other proper officer, who shall cause the same to be delivered to the warden, superintendent or other chief officer, at the same time that such convict is committed to the care of said warden, superintendent or other chief officer of such institution pursuant to his sentence.

How to be employed.

SEC. 2. Every person convicted of crime and committed to the state prison or state reformatory shall be regularly employed at and be compelled to perform a reasonable amount of hard labor in some industrial employment; and no person so committed as aforesaid, shall be exempt from such labor and employment, unless on account of incapacitating sickness or other disability rendering it impossible that such labor be performed.

Classification of prisoners.

All such prisoners shall be taught some trade or handicraft.

SEC. 3. In providing for and regulating the labor of such prisoners, the warden, superintendent or other chief officer, shall in classifying and apportioning the prisoners to the work, in all cases have in view as well the education and reformation of the individual prisoner as the pecuniary welfare of the state and shall under such rules and regulations as shall have been prescribed by the board of managers of the institution in which the prisoner is confined, have authority to change any prisoner from one class of employment to another, as may seem proper and expedient.

No contract labor.

SEC. 4. No contracts for the leasing of the labor of prisoners confined in the state prison, or state reformatory, at a certain rate per diem giving the contractor full control of the labor of the prisoners, shall hereafter be made, but such prisoners shall be employed by the warden, superintendent, or other chief officer having charge thereof, under rules and regulations to be established by the board of managers or other governing board of said institutions, in such industries as shall from time to time be fixed upon by said warden, superintendent, or other chief officer having charge thereof and the board of managers or other governing board of said institution.

Or in the manufacture of articles by the piece under what is known as the "piece price system" by contracts with persons who furnish the materials used in such manufacture.

Instructors.

The warden, superintendent or other chief officer, under the direction of the board of managers or other governing board, shall purchase such tools and imple-

ments and machines as he and they shall consider necessary for carrying on said industries.

SEC. 5. The warden, superintendent, or other chief officer thereof may employ such number of persons as he and the board of managers, or other governing board shall consider necessary to superintend and instruct such prisoners in said industries.

Such superintendents and instructors shall have the same authority in relation to the prisoners which is possessed by the subordinate officers of said institution. The compensation of said superintendents and instructors shall be fixed by the warden, superintendent, or chief officer thereof, with the approval of the board of managers, or other governing board of said institution.

SEC. 6. The bills for tools, implements and machines and materials purchased, together with the salaries of persons employed under this act in the state institution coming under the provisions of this act, shall be paid monthly from the treasury of the state upon schedules prepared and sworn to by the warden, superintendent or other chief officer, and approved by the board of managers in writing. Tools and implements.

The schedule of bills shall be divided into three (3) parts or classes:

First—Schedule of bills for materials.

Second—Schedule of bills for salaries.

Third—Schedule of bills for tools, implements and machines; And each schedule shall be separate from the schedule of bills incurred for the maintenance of the institution.

All such schedules shall be filed in the office of the state treasury.

SEC. 7. The tools, implements, machines and materials needed for use in manufacturing in any institution coming under the provisions of this act, shall be purchased by the chief officer thereof, under the supervision of the board of managers or other governing board of said institutions, after estimates or requisitions in such form as said board shall from time to time require, and shall have been approved by them. Such manufactured goods as shall be produced under the state account system in any institution coming under the provisions of this act, shall be sold by the principal officer thereof, under such approval of said board of managers, or other governing board as it shall from time to time require. Purchasing tools.

The warden, superintendent or other chief officer of any institution coming under the provision of this act, is authorized to appoint agents who shall in its behalf, under such rules and regulations as the board of man- Selling manufactured goods

agers or other governing board shall from time to time establish, sell the manufactured goods as aforesaid.

The appointment of every such agent shall be subject to the approval of the board of managers or other governing board of said institution, but such agent may be removed at any time without such approval, by the officer who appointed him.

The compensation of every such agent shall be fixed from time to time by the officer who appointed him, with the approval of the board of managers, or other governing board of said institution.

Number employed in any one industry.

SEC. 8. The number of prisoners employed in a single industry at the same time in any institution, coming under the provisons of this act, shall not exceed ten (10) per cent of the total number of persons engaged in such industry in this state unless a greater number is necessary to produce materials or articles to be supplied to state and other municipal institutions, penal or charitable; *provided*, however, that this section shall not apply to the number of prisoners employed in the manufacture of binding twine at the state prison at Stillwater.

The number of persons employed in any such industry in the state to be determined by a commission of three (3) of which the labor commissioner of the state shall be chairman, one to be a member of the board of prison managers and one to be a citizen of this state engaged or interested in some manufacturing industry not connected with the state prison or state reformatory, both of whom shall be appointed by the governor.

Warden may sue and be sued.

SEC. 9. The warden, superintendent or other chief officer of any institution coming under the provisions of this act, or their successors, may sue upon any sale, or be sued upon any purchase made by him under the provisions of this act.

No such suit shall abate by reason of said office becoming vacant, but any successor pending such suit shall take upon himself the prosecution or defense thereof; and upon motion of adverse party and notice he shall be required to do so.

The attorney general shall conduct and defend all litigation in which state institutions are interested.

State institutions to be supplied with prison goods.

SEC. 10. The boards of managers of the various state institutions coming under the provisions of this act, shall, as far as may be, have manufactured in the various institutions which they control, such articles as are in common use in the several state institutions, whether penal or otherwise.

They shall from time to time notify the officers of such institutions, having charge of the purchase of supplies,

of such goods as they manufacture, and said officers shall, as far as may be, purchase such of said articles as are necessary to the maintenance of the institution they may represent.

It being the intention of this act that such articles as may be manufactured under the provisions hereof, shall be mutually exchanged between or sold to the various penal and charitable institutions of the state and the several counties or other municipalities thereof; *provided*, that nothing herein contained shall be construed to prohibit the sale of any article manufactured in any institution governed by the provisions of this act, in any market that can be found.

Report of warden.

SEC. 11. The warden, superintendent and chief officer of the various institutions, coming under the provisions of this act, shall make an annual report in December to the state board of corrections and charities, in which they shall state what industries have been carried on in said prison, reformatory or penal institution during the interval, the number of prisoners employed in each, giving the highest and lowest number at any one time, the kind and quantity of goods manufactured, the amount thereof sold, to whom sales were made, and the prices received therefor.

SEC. 12. It shall be the duty of the warden, superintendent, and the chief officer of the various institutions coming under the provisions of this act to establish and maintain in their respective institutions, such industries as shall be fixed upon as provided by this act.

Terminating existing contracts.

SEC. 13. Any existing contracts for the labor of prisoners confined in the state prison, or state reformatory, which by the terms thereof may be terminated by the warden, superintendent, or other chief officer thereof, or by the board of managers, or other governing board of said institutions, upon notice, shall be so terminated by the warden, superintendent, or chief officer thereof, or the board of managers or other governing board of said institution by giving, within ninety (90) days after the passage of this act, the notice provided for in such contracts, or as soon afterwards as the terms of the contract will allow; *provided* such contracts shall not be terminated in such a manner as to make the state, liable for damages on account thereof.

Members of board not to be warden, &c.

SEC. 14. No member of the board of managers of any institution, shall be the warden, superintendent, or other chief officer thereof, or concerned in any manner in the business thereof, or hold any other appointment or place connected therewith; and no member of the board of managers, or any other officer or employe of any such institution, shall be interested directly or indirectly in

any purchase or sale made for or on account of said institution.

Drinkers not employed.

SEC. 15. No person shall be appointed as an officer or employe of any such institution who is in the habit of using intoxicating liquors, and a single act of intoxication shall justify a removal or discharge.

Prohibited compensation.

SEC. 16. No officer shall receive directly or indirectly any other compensation for his services than that prescribed by law, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform in or about the labor of any such institution, or for the construction of buildings or furnishing supplies therefor.

Nor shall any officer or employe of any such institution receive any gift from a prisoner therein or any money or other consideration for any service rendered or to be rendered for any prisoner. For every violation of this section the party engaged therein shall be discharged from office and disqualified thereafter from holding any office in such institution.

SEC. 17. Chapter two hundred and fifty-five (255), of the general laws of eighteen hundred and eighty-nine (1889), and all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

S. F. No 346.

CHAPTER 155.

Inebriates.

An act to provide for the examination and commitment of inebriates to the special department for the treatment of inebriates in the Rochester state hospital.

Be it enacted by the Legislature of the State of Minnesota:

To be committed to Rochester state hospital.

SECTION 1. A person who is or who may hereafter become an inebriate needing medical treatment for such inebriety, and who is now or hereafter may be placed under guardianship as an inebriate, may be committed to the special department for the treatment of inebriates at the Rochester state hospital as hereinafter provided.

Petition and examination.

SEC. 2. Whenever the guardian, relative or friend of any inebriate shall present to the probate court of the county wherein such inebriate resides, a petition showthat such person is a proper subject for medical treatment on account of excessive drinking, the court shall

cause such person to be examined by a jury constituted and appointed in like manner as is provided for the examination of insane persons, to ascertain the fact as to whether such person is a proper subject for medical treatment on account of excessive drinking.

Notice to guardian.

SEC. 3. In all cases where the petition shall be made as aforesaid by any person other than the guardian, such guardian shall have such reasonable notice of the hearing upon such petition as in the judgment of the probate court the justice of the case requires.

Commitment.

SEC. 4. If upon such examination such person is found to be a proper person for medical treatment on account of excessive drinking, the court shall order him to be committed to the special department for the treatment of inebriates in the Rochester state hospital, and the court shall direct that duplicate warrants be issued in like manner as is provided in case of insane persons committed, which warrants may be in the following language:

State of Minnesota, County of....., ss.
To the Superintendent of the State Hospital at Rochester, Minnesota:

Warrant.

.....having been found upon the examination to be a proper subject for medical treatment on account of excessive drinking, you are therefore required to receive.....into the special department of said hospital for the treatment of inebriates and keep him there until legally discharged, not to exceed one year from the date hereof. In witness whereof I have hereunto set my hand and affixed the seal of the probate court this —— day of....., 189...

.....,
(Seal.) Judge of Probate,
..... County, Minn.

Certificate of probate court.

SEC. 5. Said warrants shall be accompanied by a certificate under the seal of said probate court, signed by the judge thereof which shall be delivered to the superintendent of said Rochester State Hospital with said warrants. Said certificate shall show when and where said inebriate was placed under guardianship, the age of such patient, and the trade or profession, if any, and the name and postoffice address of such guardian.

Fees, &c. same as for insane person.

SEC. 6. Such patients shall be conveyed and the warrants indorsed, returned and filed, and the same fees, costs and disbursements allowed and paid, and the patient shall be discharged from said hospital in like manner as is provided in case of insane persons committed to the hospital for insane, and the same process may be employed to compel the appearance of parties

witnesses and jurors upon said examination as is provided in case of examination of insane persons, *provided* that in no case shall any person committed to the special department of said hospital for the treatment of inebriates, be detained in such department longer than one year. Provided that male and female patients in the inebriate department shall be kept separate and apart, and the superintendent of the Rochester state hospital shall cause the sexes to be kept separate, and may cause the female patients in such special department to be kept and cared for in some other building in said hospital.

Inmates—how employed.

SEC. 7. The superintendent of said Rochester state hospital shall provide suitable employment for such patients committed to such special department for inebriates as are able to do any work or perform any other duty to which they may be assigned, and such superintendent may require and compel such patients to do any suitable work, or to perform any such suitable duties as may be assigned to them, and such patients may be physically and mentally capable of doing.

Inebriate patients becoming insane.

SEC. 8. Should any patient in said special department for inebriates become insane while a patient in said special department, information of said insanity shall be at once, by the superintendent of said Rochester state hospital, filed in the probate court of Olmstead County, Minnesota which shall have full jurisdiction in the case, and the same proceedings shall had in said court as in original informations for insanity in the probate courts of this state.

SEC. 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

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H. F. No. 185.

CHAPTER 156.

Inebriates—treatment of by counties.

An act to provide for the treatment of inebriates by counties, and prescribing rules governing the same.

Be it enacted by the Legislature of the state of Minnesota:

Application for gold cure.

SECTION 1. When any legal resident of the said state shall become an habitual drunkard, in the sense hereafter defined, he may apply in person to the judge of probate of the county in said state in which he shall be a resident, or, with his consent, any friend or near of kin,

may so apply for him to the judge of probate of the said county setting forth the fact of said habitual drunkenness, and desire to be cured thereof and also that he is without money or property to pay for treatment for the same.

He shall make oath to the truth of said statements, and shall furnish two credible witnesses, who shall also be residents of the same county and state, to further attest these facts. But the possession and ownership of a family homestead actually occupied by the family of the applicant, or by those dependent upon him for support, and not otherwise a source of revenue, shall not constitute a bar to the right to ask assistance under this act.

SEC. 2. Upon receiving such application, the probate judge shall forthwith proceed to determine if the facts are in accordance with the sworn statements of the applicant and his witnesses, and for that purpose may subpoena and require to appear before him and testify such other witnesses as he may deem proper, and if said judge of probate shall be satisfied from such examination that the facts set out in said application are true, he shall without unnecessary loss of time, transport and commit the said applicant to a reputable double chloride of gold cure institute or any reputable institution in which inebriates may be cured, such institute, or institution to be located within said state and to be selected by a committee of three citizens appointed by said judge of probate of said county, located within said state. The board of county commissioners shall have the power and authority to contract and fix the terms or price for such treatment with the proper party or parties representing such institute or institution, and to audit and allow the bills therefor upon the report and certificate of said judge of probate, but it shall be unlawful to appropriate or allow more than one hundred (100) dollars for such treatment in any one case at the expense and cost of the county of which he is a resident.

Hearing—commitment—expense.

SEC. 3. The probate judge shall record or cause to be recorded, the name, sex, age, nationality, residence and length of residence in county and state, length of time that the applicant has been incapacitated for self-control or self-support, number of persons dependent upon him for support, date of commitment to the institution, and thereafter shall add the length of time treated, and total amount of expense to the county for commitment and treatment. He shall from these records make an annual statistical report of these and such other facts as shall be deemed worthy of record, exclu-

Record and report.

sive of names, to the state board of charities and corrections.

Patients—note to county.

SEC. 4. The money appropriated and used for such expenses, costs and treatment as aforesaid shall be and is hereby declared to be, a loan from the county to the individual receiving the benefits of the same, which shall be payable at any time within five (5) years without interest. The party accepting the benefits of the said loan shall give his note to said county for the full amount of costs for commitment and treatment, when said treatment shall have been finished, and all expenses shall have been properly reported to the said judge of probate. This note shall be non-negotiable and may be paid by installments, or at the time of maturity may be extended at the discretion of the judge of probate. If the applicant shall be a minor he shall, nevertheless be, and is hereby authorized and empowered to execute a promissory note as herein required, which shall be in all respects as valid and enforceable as if such applicant were of full age.

Managers of institute to be officers of court.

SEC. 5. The officers of such institute as may be designated for the treatment of such persons, payment for whose cure is provided by this act, shall become sworn officers of the court committing such person to their care, and shall have authority to enforce such reasonable rules as may be necessary for the administration of proper treatment to the patient entrusted to their care, but they shall receive no other fee or compensation than the sum provided for and limited by section one (1).

SEC. 6. A drunkard, as mentioned in the foregoing sections of this act, shall be deemed to include any person who has acquired the habit of using spirituous, malt, or fermented liquors. cocaine or other narcotics, to such an extent or degree as to deprive him of reasonable self-control.

SEC. 7. This act shall be in force from and after its passage and publication.

Approved April 22nd, 1895.

CHAPTER 157.

S. F. No. 106.

An act to create a commission to locate, acquire land and prepare plans for a fourth hospital for the insane.

Fourth insane hospital.

Be it enacted by the Legislature of the state of Minnesota:

Governor to appoint commission.

SECTION 1. That a commission be appointed by the governor, of seven persons, who shall be residents and electors of the state of Minnesota, no two of whom shall be residents of the same congressional district, and each of the three leading political parties shall be represented in said commission, who shall locate and purchase a site for the fourth state hospital for the insane at some point as near as may be practicable to the cities of St. Paul and Minneapolis, which in their judgment is most available and suitable.

Proposals received.

The commission may receive propositions from towns, villages or cities or the inhabitants thereof, relative to the advantages of their respective localities, accompanied by a responsible guarantee for the sale to the state at a reasonable price of a suitable tract of land, also a guarantee of suitable sewerage, water privileges, etc.

Area necessary.

SEC. 2. Said commission shall purchase not less than six hundred and forty nor more than one thousand acres of land for a site and for the use of said hospital. Before selecting a site for said hospital said commission shall advertise in at least two of the daily newspapers published in St. Paul and two of the daily papers published in Minneapolis, for three successive weeks asking for offers from persons or corporations of a suitable site under such restrictions and specifications as the commission may determine upon. Said commission are hereby authorized after they shall have properly examined all such proposed sites, to select and secure such a site for said hospital as shall, in their judgment, be most advantageous to the state for the purpose contemplated in this act, and for that purpose said commission are hereby authorized and empowered in the name and on behalf of the state to enter upon, purchase, take and acquire any lands and premises, public or private, that may be necessary, convenient or proper, for the purpose of such a site, or any part thereof, and in case the owner of any such lands or grounds and said commission cannot agree as to the value of the premises taken or to be taken for such use, the value thereof shall be determined by the appraisal of three reputable freeholders of the state not directly or indirectly interested in the premises to be

Selection.

taken and to be appointed on the application of said commission by any judge of the district court of any judicial district of this state.

Appraisement. And said appraisers in their assessment of damages shall appraise such premises and the respective estates and interests therein at their actual market value, and upon return into court of such appraisement and upon payment into the same of the appraised value of the premises so taken, said premises shall be deemed to be and shall become the property of the state, save as herein otherwise provided. All provisions of title one of chapter thirty-four of the general statutes of one thousand eight hundred and seventy-eight, so far as reasonably applicable, shall apply to and govern proceedings under this act.

Condemnation.

Plans, estimates, &c, SEC. 3. Said commission shall cause plans to be made of such hospital, which plans shall provide a separate ward for insane criminals, and an estimate of the cost thereof under said plans, and shall report the same, together with a statement showing the location of such site and the amount paid therefor, and any other facts of importance bearing upon the location and construction of such hospital, to the legislature at its next session succeeding the present. Said commission shall consider and report upon the advisability of adopting the cottage plan and methods for this institution.

Compensation. SEC. 4. Said commissioners shall each be entitled to receive $5 per day for not exceeding thirty days, for each day actually spent in visiting localities for the purpose of selecting such site or otherwise determining on said location and in making their said estimates and reports, and shall be reimbursed for actual traveling expenses necessarily incurred in or about the same.

Commissioners not to be interested contracts. SEC. 5. That no member of said commission shall have any interest, direct or indirect, in the site chosen for said hospital or in any contract that may hereafter be made for building and furnishing the same.

$2,000 for expenses. SEC. 6. That there is hereby appropriated from the funds in the state treasury not otherwise appropriated, the sum of $2,000, or so much thereof as may be necessary for the expenses of said commission.

$15,000 maximum for site. SEC. 7. That there is hereby appropriated from the funds in the state treasury not otherwise appropriated the sum of $15,000, for the purpose of purchasing the said site and land for such hospital and to pay for condemned lands; *provided*, that the site shall in no event, whether wholly condemned or wholly purchased, or partly condemned and partly purchased, cost more than fifteen thousand dollars.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

CHAPTER 158.

S. F. No. 648.

An act to provide for the organization and government of societies organized to administer and furnish relief and charity for the worthy poor who may reside in a designated locality.

Be it enacted by the Legislature of the state of Minnesota:

Incorporation of charities for the poor. Articles.

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SECTION 1. Any number of persons not less than three who shall associate themselves together by articles of agreement in writing according to the provisions of this act, for the purpose of administering and furnishing relief and charity for the worthy poor who may reside in a designated locality and who shall comply with the provisions of this act, shall, with their associates and successors constitute a body corporate under the name by them assumed in such agreement.

SEC. 2. Said articles shall declare:

First—The name of the corporation and the principal place of transacting business.

Second—That it is organized to administer and furnish relief and charity for the worthy poor who may reside in a designated locality and without discrimination as to age, sex, color or religious inclination of the beneficiaries.

Third—The names and the places of residence of the persons forming such association, and how and when their successors may be appointed or elected.

Fourth—The name of the first board of directors or managing officers, and in what officers or persons the government of the corporation and the management of its affairs shall be vested, and how and when such officers may be elected, or appointed, and it may contain such other provisions not inconsistent with the provisions of this act as said incorporators may desire.

Said articles shall be recorded in the office of the register of deeds of the county where such corporation has its principal place of business, and also in the office of the secretary of state, and published once in each week for four successive weeks in some newspaper printed and published in the county in which said principal place of business is located, and the affidavit of the printer of such paper showing such publication shall be filed with said secretary of state.

Powers of corporation.

SEC. 3. When such articles are so made, recorded, published and said affidavit is so filed the persons so signing said articles and their successors from time to time shall constitute and be a corporation by the name in such articles assumed or adopted and it shall have all the powers of corporations at common law and it may sue and be sued by its corporate name, have perpetual succession, adopt a corporate seal, which it may change at pleasure, and it shall have power in its corporate name to acquire and receive by purchase, gift, grant, device and bequest any property, real, personal or mixed and the same to hold, sell, convey, assign, loan, lease or otherwise use for the purposes named in its articles, and for such time and in such manner as may be directed by any grantor or testator who may make a gift, device or bequest to such corporation, to be administered and used to furnish relief and charity for the worthy poor who may reside from time to time in a locality designated by such donor or testator, and such corporation shall have no power to divert any gift, grant or bequest from the specific uses and purposes designated by any donor or testator.

Court to have visitorial powers.

SEC. 4. No corporation organized under this act shall have any capital stock and any court of equity in this state on its own motion or on application so to do, may have and exercise visitorial powers over the officers and affairs of any corporation organized under this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 17th 1895.

S. F. No. 569.

CHAPTER 159.

Indigent loan corporations.

An act to provide for the incorporation of companies designed to loan moneys to the indigent and defining the powers and liabilities of such companies.

Be it enacted by the Legislature of the state of Minnesota:

Object.

SECTION 1. Any number of persons, freeholders and residents of this state not less than nine of whom one at least shall at the date of the execution of the articles of incorporation of said company be a member of the state board of corrections and charities, or be designated by said state board of corrections and charities, may associate themselves and become incorporated by complying with the provisions of this act, for the

purpose of aiding such persons as said corporation shall deem in need of pecuniary assistance by loans of money at interest upon the pledge or mortgage of personal property.

Organization.

SEC. 2. The provisions of title two of chapter 34, of general statutes Minnesota, 1878, in reference to the methods of organizing shall apply to and be observed by corporations organized under this act, and corporations so established shall have the same powers and privileges and be subject to the same duties, liabilities and restrictions as other corporations established under the same title except as in this act otherwise specifically prescribed.

Directors.

SEC. 3. The board of directors of such corporations shall consist of not less than five persons, who shall be freeholders and residents of this state, and of such directors one at least shall always be a member of the state board of corrections and charities, or a person designated by the state board of corrections and charities, and the compensation of such last named director, in case he receives any compensation, shall be paid by such corporation.

Stock to be paid up.

SEC. 4. No such corporation shall begin to do business until the full amount of its capital stock as stated in its articles of incorporation, or any amendment thereof, shall have actually been paid in in cash, and no such corporation shall ever pay to its stockholders either directly or indirectly, as dividends or earnings, a greater return upon their stockholdings than six per cent per annum and any and all profits and surplus which such corporation shall accumulate after paying such dividend of six per cent per annum shall be applied in reducing interest charges as much below two per cent per month as in the judgment of its directors can reasonably be done.

Dividends.

To be authorized by state board of corrections and charities.

SEC. 5. No such corporation shall begin to do business until it shall have presented to the state board of corrections and charities, a copy of its articles of incorporation and by-laws, a list of stockholders and the amounts actually paid in money by each of them for the stock they respectively hold, a statement in writing of the plan upon which it proposes to do business and such other information as said state board of corrections and charities may exact or demand, nor until said state board of corrections and charities shall have authorized such corporation to so begin business.

To loan on chattels.

SEC. 6. When any such corporation has disposable funds it shall loan on all goods and chattels offered, which come within the limitations and conditions it may prescribe in its by-laws, in the order in which they

are offered with this exception, that it may always discriminate in favor of small loans to the indigent and that it shall not loan by mortgage on property which is situated at the time of making the loan outside the county in which is the principal place of such corporation's business as named in its articles of incorporation.

Interest not to exceed 2% per month.

SEC. 7. Such corporations may charge interest at a rate not exceeding two per cent a month, and in addition thereto may charge a reasonable fee not exceeding one dollar in any one case for the examination of property offered as security, and the actual expenses of executing, filing or recording the necessary papers. But no charge shall be made for making a preliminary examination when the loan is not made, nor for the examination of property offered at the office of the corporation for pledge, nor shall any bonuses or renewal fees be charged for making, renewing or extending any loan.

Period of loan. Redemption.

SEC. 8. All loans shall be for a time fixed and not more than one year, and the mortgagor or pledger shall have a right to redeem his property mortgaged or pledged at any time before it is sold in pursuance of the contract between the parties, or before the right of redemption is foreclosed on payment of the loan, interest at the rate agreed on and actual outlays of the corporation in forelosing or otherwise enforcing its rights up to the time of the offer to redeem.

Mortgagors evidence.

SEC. 9. The corporation shall give to each pledgor a card inscribed with the name of the corporation, a brief description of the article or articles pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when made, and the date when payable.

Proceedings after foreclosure.

SEC. 10. Property pledged to the corporation must be held at least thirty days after default, unless sooner redeemed, and the net surplus actually received by the corporation in money from the sale on foreclosure of any chattels mortgaged or from the sale of any property pledged, if such sale is made within six months from the date of such default, after paying loan charges, interest and expenses of sale, shall be held for six months for the owner and paid to him on demand without interest. In case such surplus is not called for by the owner within such time, it shall become the property of the corporation.

Under jurisdiction of public examiner.

SEC. 11. The public examiner of the state shall have access to the vaults, books and papers of the corporation, and it shall be his duty to inspect, examine and inquire into its affiars, and to take proceedings in regard to them in the same manner and to the same extent as

if said corporation were a savings bank, subject to all the general laws which are now or hereafter may be in force relating to such institutions in this regard, except that the returns required to be made to the public examiner shall be in the form of a trial balance of the corporation's books, and shall specify the different kinds of its liabilities and the different kinds of its assets stating the amount of each kind, together with such other information as may be called for by said examiner, *provided* however, that said examiner may cause any examination to be made by an expert under his direction, but at the expense of the corporation.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 160.

S. F. No. 405.

An act to provide for the care and keeping of dependent children during or subsequent to the examination to determine their dependent condition.

Care of dependent children.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. No county commissioner, sheriff, or other person having the temporary care or custody of any child or children, during or subsequent to the examination to determine his or their alleged dependent or neglected condition, preparatory to his or their commitment to the state public school, shall commit or confine said child in any jail or prison, but such county commissioner, sheriff or other person so having the care or custody of such child or children shall provide suitable accommodation for them at some home or place other than a jail or prison, and the necessary expense for so caring for and keeping said child or children shall be audited and allowed by the board of county commissioners of the county where such examination is being held and paid by the treasurer of said county as other county expenses are paid.

Not to be confined in jail.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

H. F. No. 372.

CHAPTER 161.

Chinch bugs et al.

An act to provide the entomologist of the experiment station of the University of Minnesota with means to destroy the chinch bugs and other insects injurious to the crops of this state.

Be it enacted by the Legislature of the state of Minnesota:

State entomologist to do battle with the insects.

SECTION 1. It shall be the duty of the entomologist at the experiment station of the University of Minnesota as soon as practicable, after the passage and approval of this act, to procure the necessary equipment and assistance and proceed to combat chinch bugs and insect plagues, and to propagate such contagion or infection as is supposed to be destructive to chinch bugs and other insects that are destructive to the crops of this state; such contagion or infection shall be propagated at the state experiment station, and in such quantities as may be necessary to supply the farmers of this state with the same when required, and shall be furnished to them free of charge, and distributed under such rules and regulations as may be adopted by the entomologist.

State pays expense.

SEC. 2. That the expense of combating such insect plagues and the propagation of such contagion or infection and the procuring of the necessary equipment and assistance therefor shall be paid by the state out of the money hereby appropriated by this act.

Reports.

SEC. 3. The entomologist shall on or before the first (1st) day of December in each year, make a report to the governor of the result of his experiment and expenditures incurred under the provisions of this act.

Appropriation.

SEC. 4. That the sum of five thousand (5,000) dollars, or so much thereof as may be necessary, is hereby appropriated from the moneys in the state treasury belonging to the general revenue fund, not otherwise appropriated, for the carrying out of the provisions of this act, for the fiscal year ending July thirty-first (31st), one thousand eight hundred and ninety-five (1895), and annually thereafter. And the state auditor is hereby directed to draw his warrant or warrants upon the state treasurer for such sum or sums in favor of such person or persons as the governor shall in writing indicate and approve as entitled to the benefits of this act and the same shall thereupon be payable out of the appropriation hereby made.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 25th, 1895.

CHAPTER 162.

H. F. No. 468.

An act to provide for the extension of the work of the State Experiment Station and to appropriate money therefor.

Be it enacted by the Legislature of the state of Minnesota:

Sub-experiment farms.

SECTION 1. The board of regents of the University of Minnesota are hereby authorized to procure, on as good terms as possible, equip and establish two (2) sub-experiment farms or stations each farm to be not less than one-half (½) section.

Appropriation

SEC. 2. The sum of twenty thousand (20,000) dollars, or such part thereof as may be required is hereby appropriated out of any money in the treasury, not otherwise appropriated for the year eighteen hundred and ninety-five (1895), to provide for procuring and equipping said experiment farms, and ten thousand (10,000) dollars, or such part thereof as may be required, is appropriated for the biennial period eighteen hundred and ninety-five (1895) and eighteen hundred and ninety-six (1896) to be used in the management of these experiment farms and for conducting such experiments of the State Experiment Station as the said board of regents may deem proper and of greatest value to the farmers of the state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 16th 1895.

CHAPTER 163.

H. F No. 859.

An act regulating state lands and the product of the same, and to repeal certain acts and parts of acts.

State lands.

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108-NW 935

Be it enacted by the Legislature of the state of Minnesota.

Certificates of sale.

SECTION 1. That at the time of the sale of any school lands the commissioner shall execute under his hand and official seal, a certificate of sale which shall be signed, sealed and acknowledged by the commissioner which said certificate shall be delivered to the purchaser.

The said commissioner shall certify the description of the land sold, the quality thereof, and the price per acre, the consideration paid and to be paid therefor, and the time and terms of payment.

Such certificates shall be numbered and made assignable, but no certificates shall be delivered to the purchaser by the commissioner until the sum of money required by law to be paid at the time of the sale, is paid to the treasurer of the county where said sale takes place, and in case the purchaser fails to pay the amount so required to be paid at the time of said sale, said commissioner may again immediately offer said land for sale; but no bid shall be received from the person so failing to pay as aforesaid.

Assignments.

SEC. 2. Whenever any certificate is assigned, the assignment shall be made in writing, and shall be signed, sealed and acknowledged by the assignor, and executed in the presence of two witnesses, in case of any extension of the time of payment provided for in any such certificates, such extension shall be made in writing and under the hand and seal of the said land commissioner, in such a manner as to show the date when the extension is made, and the period and terms thereof, and such extension shall be recorded in the office of said land commissioner in a book provided for that purpose.

Withdrawal from sale.

The commissioner may, in his discretion, on or before the day of sale, withdraw any lands that may have been advertised for sale and included in any list to be offered in any county.

Default in interest.

SEC. 3. The said certificate shall further set forth that, in case of the non-payment of the annual interest by the first day of June, or within six (6) days thereafter, in each and every year, by the purchaser, or by any person claiming under him, then the said certificate may at any time during said default be by the commissioner declared void, and the said commissioner may take possession of the land therein described, and re-sell the same at public auction, and in the same manner and under the same rules and regulations as provided for the first sale.

Patents.

SEC. 4. The governor shall sign and cause to be issued under the seal of the state land office of this state, and attested by the commissioner, patents for the lands described in the certificate of sale, whenever the same are presented to him, with the further certificate of the commissioner endorsed thereon, that the whole amount of principal and interest specified therein, and all rents and taxes due on said lands have been paid, and that the holder of the certificate is entitled to a patent of the lands described therein; and the governor shall, in like manner sign and cause to be issued patents of said land, to any purchaser of the right, title and interest of the original purchaser, his heirs or

assigns, at an execution or mortgage sale, upon presentment to him of the certificate of the commissioner, that the whole amount of principal, interest, rents and taxes due thereon has been paid according to law, and that said purchaser at execution or mortgage sale is entitled to a patent for the land described in such certificate, and said patent shall be recorded in the office of said land commissioner, in a book to be provided for that purpose.

Platting.

SEC. 5. Whenever, the interest of the state will be promoted, in the opinion of the commissioner, by laying off any portion of the land under his control into small parcels or village lots, said commissioner may cause the same to be done, and shall cause the same to be appraised as provided in the next section:

Provided, however, that whenever a petition in writing is presented to said land commissioner, requesting him to have the land therein described subdivided into small parcels or village lots, and said petition is signed by at least ten (10) legal voters of the county in which the land therein described is situated, the said petition shall be submitted to the board of timber commissioners, hereinafter constituted, which shall meet for the consideration thereof, and if the subdivison as prayed in such petition shall be recommended by the governor and at least one other member of the board, the request of such petitioners shall be granted. The action of said board shall be endorsed upon the back of such petition in writing and signed officially by the members of said board.

Whenever such petition is made, and whether the same be granted or refused, it shall be filed in the office of said land commissioner, and the date of filing noted thereon.

Appraisers.

SEC. 6. The appraisers provided for by law shall be appointed as follows, viz.: One (1) by the governor, one (1) by the commissioner of the state land office, and the other by the county commissioners of each county in which the lands to be appraised or sold, are situated, or if such county is unorganized the county to which it is attached for judicial purposes. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath, before some person qualified to administer oaths, that he will faithfully and impartially discharge his duties as appraiser, according to the best of his ability, and that he is not interested, directly or indirectly, in any of the school lands or improvements thereon, and has entered into no combination to purchase the same or any part thereof, which said oath shall be attached to the report

made of such appraisal, as hereinafter provided. Each appraiser shall be allowed, as compensation for his services and expenses, three (3) dollars per day, to be paid out of the state treasury.

The appointment of such appraisers shall be made in writing, and shall, together with their oaths and the written appraisals made by them, be filed in the office of said land commissioner.

Lumber thieves

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SEC. 7. If any person, firm or corporation, without a valid and existing permit therefor, cuts or employs, or induces any other person, firm or corporation to cut, or assist in cutting any timber of whatsoever decription, on state lands, or removes or carries away, or employs, or induces or assists any other person, firm or corporation to remove or carry away any such timber, or other property, he shall be liable to the state in treble damages, if such trespass is adjudged to have been willful; but double damages only in case the trespass is adjudged to have been casual and involuntary, and shall have no right whatsoever to any remuneration or allowance for labor or expenses incurred in removing such other property, cutting such timber, preparing the same for market, or transporting the same to or towards market.

Penalty.

Whoever cuts or removes, or employs or induces any other person, firm or corporation to cut or remove any timber or other property from state lands, contrary to the provisions of this act, or without conforming in each and every respect thereto, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding one thousand (1,000) dollars, or by imprisonment in the state prison not exceeding two (2) years, or by both in case the trespass is adjudged to have been willful.

Confiscation.

Whenever any timber so cut is intermingled with any other timber, or whenever other property taken from state lands is intermingled with other property, the state may seize and sell the whole quantity so intermingled, pursuant to the provisions of section forty (40) of this act, and such other timber or property shall be presumed to have been also cut from state lands.

Provided the intermingling of timber above referred to shall only apply to cases having been adjudged as willful trespass.

Appointment of appraisers.

SEC. 8. Whenever, in the opinion of the commissioner, it will be for the interest of the people of this state that an appraisal of any of the school lands, or of the improvements thereon, shall be made, appraisers shall be appointed as provided by section six (6) of this act,

who shall qualify and be paid according to the provisions thereof.

Said appraisers shall proceed to appraise such lands and the improvements thereon, if any, as the commissioner may direct, and the valuation of such lands and improvements shall be separately made and stated in the appraisement, and the minimum price established by such appraisal shall be the minimum price for such lands until changed by a subsequent appraisal; but no lands shall be sold for less than the minimum price established by law, and not more than one hundred thousand (100,000) acres of school lands shall be sold in any one (1) year. Duties.

The appraisals so made, as aforesaid, shall be filed in the office of said commissioner; *provided*, however, that no sale shall be made upon any appraisal that was made more than four (4) years prior to the date of sale.

SEC. 9. Before any sale of any school lands is made, the commissioner of the land office shall cause notice of the time and place of such sale to be published in one newspaper printed and published at St. Paul, and one newspaper printed and published in each county in which such lands are to be sold, if any newspaper is printed and published in such county. Notice of sale.

Said notice shall be published once a week for four (4) successive weeks prior to said sale, and shall contain the description of such piece or parcel of land to be sold.

In case there is no newspaper published in said county, said commissioner shall also cause such notice to be posted in three (3) conspicuous places in said county at least four (4) weeks prior to said sale.

SEC. 10. All moneys received from the sale of any school or university lands, or the timber or other property coming therefrom, or interest accruing from such sales, shall be paid into the state treasury, and the purchase money so received shall be loaned as provided by law, or invested in Minnesota bonds (railroad bonds always excepted) or in United States bonds, bearing not less than three (3) per cent interest, or in bonds of any state. Proceeds—how invested.

Provided, however, that no investment of such funds shall ever be made in bonds which may have been issued to aid in the construction of any railroad; and the governor, treasurer, state auditor, president of the board of regents of the State University, and the chief justice of the state, are hereby constituted a board of commissioners, whose duty it shall be to invest said funds; and whenever there shall have accumulated

in the treasury funds belonging to said permanent school fund, or the permanent university fund, or both, to the amount of ten thousand (10,000) dollars, it shall be the duty of said board of commissioners to immediately invest the same according to the provisions of this section. The state auditor shall be secretary of the said board of commissioners.

He shall keep a record of all the proceedings of said board, and shall cause the same to be published with his annual report. It shall be the duty of the state treasurer to place to the credit of the respective funds, when received, the interest accruing on said bonds, and pay over the same as directed by law.

The bonds purchased in accordance with this section shall not be transferable, except upon the order of the governor; and on such bonds shall be written "Minnesota School Fund Bonds," or "Bonds of the University of Minnesota," as the case may require, "transferable only upon the order of the governor and state auditor."

The state auditor shall keep a record of such bonds, stating the name of bonds, when issued, when redeemable, rate of interest, when and where payable, number and amount of bond, by whom executed, when purchased, when withdrawn, and for what purpose; and he shall credit the state treasurer for such bonds when purchased, and charge the same to the proper fund.

May sell timber

SEC. 11. The commissioner may sell the pine timber or the pine lands in this state, and tamarac and cedar suitable for posts, telegraph poles or railroad ties, when the same is liable to waste, and not otherwise. No such timber shall ever be sold or disposed of unless the same is liable to waste, when such sales are made said commissioner shall execute and deliver to the purchaser a permit to enter upon the land upon which the timber is growing and to take and remove such timber. Before any permit shall be granted, the timber shall be estimated and appraised but no sale shall be made on any estimate or appraisal more than three (3) years old. The land commissioner is hereby authorized and empowered to appoint such competent persons as may be necessary to examine such lands for the purpose of estimating and appraising the timber thereon; they shall be known as state estimators; the commissioner may discharge them from time to time as he deems best. At least one of such estimators shall make a thorough and exhaustive examination, whenever and as often as called upon by said commissioner so to do, of every piece or parcel about to be sold and prior to the sale.

SEC. 12. Each estimator shall enter his report of such

examination in a book to be provided and kept for that purpose by said land commissioner in his office.

Such book shall be known as the record of appraisals, and is hereby expressly made the original record of such examinations, estimates and appraisals.

Each estimate and appraisal shall be entered in said record by the estimator who has made the examination, in his own handwriting, and said record shall be signed and dated by him at the time of such entry. Estimates—what to contain.

Said record shall be made from the original notes of said estimator, which he shall make upon the ground where said timber is grown.

Such record shall show the amount of each kind of timber upon the land examined which measures not less than eight (8) inches in diameter twenty-four (24) feet from the ground which is subject to sale under the provisions of section eleven (11) of this act, the number of logs per thousand (1,000) feet, and the value per thousand (1,000) feet thereof, and also the amount and value of all other kinds of timber thereon below this standard, including the number of pine, tamarac and cedar posts, telegraph poles and ties, and their value.

SEC. 13. Each estimate shall be made by governmental subdivisions, and no estimate shall relate to more than forty (40) acres of land, save and except where the smallest governmental subdivisions show more than that number of acres.

Each estimate shall state the situation of the timber referred to therein relative to its risk from fire or damage of any kind, and its distance from the nearest lake, stream or railroad, the character of the haul, and whether or not any of said timber has been burned, and the extent and character of the burning if any.

It shall also show the true date when the examination was made, the exact number of hours spent in making the examination; that the estimator was actually upon the ground when he made said estimate, the expense necessarily incurred in making such examination and in going to and returning from said tract.

Each estimate shall be sworn to by the estimator upon the record thereof before the secretary of state, or a notary public employed in his office.

Each estimator, at the time he makes the entry of his estimate, as aforesaid, shall file in the office of said land commissioner, all the plats and field notes made by him on the ground during his examination, and he shall affix his signature to each plat and to each page of field notes, together with the date of filing the same.

No information, estimate or appraisal relating to standing timber upon any public lands shall be paid for

out of the state treasury, or shall be furnished by any person other than the estimator herein provided for, or in any other manner than as herein provided.

Estimators.

SEC. 14. Each estimator shall be a citizen of the State of Minnesota, and shall be thoroughly qualified by actual experience to carefully and accurately run the lines of the various subdivisions of land, according to the government survey thereof, to determine courses and distances, to locate corners, meander posts and witness trees, to correctly read the same when found, to correctly locate himself when in the woods, and to make accurate and complete estimates and appraisals of the timber on such lands. No person shall be appointed as such estimator who has not had at least five years actual practical experience in the woods in the direct line of the work hereby required. Before any person shall be appointed as such estimator, he shall make and verify a statement setting forth that he possesses all the qualifications required by this act, and such verified statement shall be filed in the office of said commissioner.

SEC. 15. No person, other than those appointed and who shall qualify as herein provided, shall be allowed to act as such estimator or be paid by the state for making any estimate or appraisal.

Oath—bond.

Each estimator at the time of his appointment, and before entering upon his duties, shall take and subscribe an official oath, and give a bond with at least two (2) sureties in at least the sum of five thousand (5,000) dollars for the faithful performance of his duties. Said bond, together with the sureties thereon, shall be approved by the land commissioner who shall endorse his approval thereon. Said bond and oath shall be filed in the office of said land commissioner. Whenever and as often as any reports shall be signed by the estimators, as herein provided, the land commissioner shall furnish to the governor written lists containing a description of the land examined, and the value, quantity and character of the timber thereon, which list shall be filed in the office of the governor.

All estimates or purported estimates now on file in the office of the land commissioner and upon which valid permits are not now in force, are hereby cancelled and declared null and void.

False estimate.

SEC. 16. Any estimator who shall make or cause to be made any false or fraudulent estimate of the timber upon any such land, or who shall insert in any estimate any false statement whatsoever, or who shall falsely date any record, or who shall make any false statement as to his experience and qualifications for the work, to

the land commissioner, or who shall fail to make a personal examination of each subdivision of land, as required by law, before making the record of such estimate, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand (1,000) dollars for each offense, or by imprisonment in the county jail for a term not exceeding one (1) year, or by both.

SEC. 17. It shall be the duty of said commissioner to make a thorough inquiry and examination into the extent, character and value of the lands belonging to the state, and chiefly valuable for the timber thereon. 95 c 163 17 03 - 363

He shall take such measures as will protect such timber from damage or loss by fire, trespass or otherwise, and make such regulations for the care and control of said timber lands and sales of the timber thereon subject to sale under the provisions of section eleven (11) of this act as will best protect the interests of the state; *provided*, however, that he shall do nothing which shall conflict with the provisions of this chapter. Protection from fire.

SEC. 18. There is hereby established the board of timber commissioners, to be composed of the governor, auditor and treasurer of this state. Board of timber commissioners.

The governor shall be the chairman of said board and shall preside at all meetings.

Before any timber shall be sold the land commissioner shall submit to said board, which shall meet from time to time for such business as may be laid before it, the records of estimates and appraisals, and said board shall carefully examine the same together with such other papers, documents, records or witnesses as the commissioners may require, in order to properly determine the questions submitted to them.

The governor is hereby authorized and empowered to administer an oath, in the usual form, to each witness brought before such board, and each commissioner is hereby authorized and empowered to examine such witnesses relative to the matters under advisement.

The land commissioner shall act as secretary of said board, and shall keep a record thereof containing the full minutes of each meeting, and all the proceedings thereof, which minutes shall be dated at the time when such meeting occurs, and shall be signed by the commissioners present.

Whenever the question of the sale of any timber on such land is submitted to said board, it shall determine whether or not such timber is subject to sale under the provisions of section eleven (11) of this act, and if it is for the best interests of the state that such timber shall be sold, and whether or not a sale is necessary to pro-

tect the state from loss, the determination of the board shall be preserved in the records of the meeting, together with the evidence showing that such timber is subject to sale under the provisions of section eleven (11) of this act.

The governor and one other member of said commission shall constitute a quorum for the transaction of business. In case the governor, and at least one other member of said board, shall determine by their votes that any such sale is necessary to protect the state from loss, and before any timber shall be advertised or sold, or any permit issued for entering upon or cutting the timber from any such land, they shall endorse upon the record of each and every estimate of timber so to be advertised and sold, the statement that such sale is necessary to protect the state from loss. Said statement shall be signed by them officially, and the date of such signing affixed thereto, and unless this is done the land commissioner shall have no jurisdiction whatsoever to make such sale.

Special agent.

SEC. 19. The governor is hereby authorized to appoint a competent agent of his own selection, to properly investigate the correctness of any such estimate and appraisal, and to send such agent to examine any of the timber proposed to be sold, for the purpose of ascertaining if same is subject to sale under the provisions of section eleven (11) of this act, and to ascertain if any trespass has been committed on state lands or to ascertain the correctness of the weight and quantity of ore mined on state lands, whenever and as often as in his judgment it is for the interest of the state so to do.

Said agent shall act independently of the land commissioner and the estimators, and shall make his report in writing to the governor.

The governor is hereby authorized to pay such agent out of his contingent fund.

Whenever any member of the board of timber commissioners shall be satisfied, prior to the issuance of a permit, that by reason of any fraud or misstatement on the part of any estimator, or of any witness, or of any state officer, or by reason of any combination or irregularity, the interests of the state demand it, he is hereby authorized and required to withdraw his approval of such sale by stating the fact of the withdrawal of such approval in writing upon the margin of the record of said estimate and appraisal over his official signature.

Void sales.

SEC. 20. In case any sale of such timber is made by fraud or mistake, or contrary to the provisions of the statute, the same shall be void, and the permit issued

thereon shall be of no effect, and the holder of such permit shall be required to surrender the same.

SEC. 21. No timber on such land shall be sold except to the highest bidder at public auction. All sales shall be held at the capitol building in the city of Saint Paul. Timber to be sold at public auction.

The land commissioner shall give notice of each and every sale by publishing a notice therof in the following form in a daily newspaper printed and published at the city of Saint Paul, once in each week for five (5) successive weeks, the first publication to be made at least fifty-six (56) days before the date of sale.

NOTICE OF SALE OF STUMPAGE ON STATE LANDS. Notice.

Notice is hereby given that I will offer at public auction at the state capitol in Saint Paul, on..... the..... day of....., at..... o'clock in the..... noon, certain timber belonging to the state and liable to waste.

An official copy of the list of lands upon which said timber is situated will be furnished by me to any and all applicants on and after the ..... day of..... Said list will be published in the paper once a week for three successive weeks prior to said sale.

Dated Saint Paul, Minn., this ..... day of....., A. D. .....

.....

Commissioner of the state land office.

At least thirty (30) days prior to the date of said sale a list of lands upon which the timber so to be sold is situated, shall be compiled by the land commissioner, and thereafter shall be published in connection with the notice of sale, and a statement that it is the list referred to in said notice, once a week for three (3) successive weeks prior to the day of said sale, in a daily newspaper printed and published at Saint Paul.

A copy of said list, together with said notice and statement, shall be conspicuously posted in the office of the county auditor in each county in which any lands therein described, are situated, at least fifteen (15) days prior to the date of such sale. In case such county has no auditor, the said list shall be so posted in the office of the county auditor of the county to which the county in which said lands are situated is attached for judicial purposes. Said list shall contain a description of the tract of land upon which each and every parcel of timber to be offered at such sale, is situated, together with a statement of the quantity of timber thereon, as shown by the official estimate. No description shall be added to said list after the date of its compilation, and no

timber shall be sold from any tract of land not contained in said list. *Provided*, that the state land commissioner may sell at public auction at the county seat to the highest bidder for cash, the stumpage on tracts of pine land not exceeding one section in area, where such stumpage does not exceed one hundred thousand feet on any one section; the whole of the purchase money to be paid at the time of the sale; and for the sale of such stumpage the notice shall be printed and published once in each week for three consecutive weeks in a newspaper published in the county in which such pine stumpage is located and if there is no newspaper published in the county, then in a newspaper published in an adjoining county and all pine stumpage so sold shall be estimated and appraised as provided in section eleven (11) of this act, and shall be subject to all the restrictions and conditions hereinbefore provided.

The land commissioner shall furnish a copy of such list to each and every applicant.

Annual sales.

SEC. 22. There shall be but one sale of such timber each year and the same shall be held not later than the fifteenth (15th) day of November, and may be adjourned by the commissioner from day to day (but no longer) until the sale is finished;

Provided, however, that in case of emergency, if said board of timber commissioners shall deem it for the best interests of said state that a second sale shall take place before the expiration of twelve months from the date of the first sale in any year, and they shall unanimously, decide, and recommend in writing, that such second sale is for the best interests of said state, the same shall be held by the commissioner under the conditions and regulations, so far as practicable, as herein provided for the regular sales, except that the notice containing the description of the land shall state that said sale is to be held pursuant to the recommendation of said board of commissioners and shall be published at least once a week for three successive weeks next prior to the date of sale. The minimum price of any timber sold at any such sale shall be the appraised value thereof, as fixed by the estimate and approved by the board of commissioners as hereinbefore provided.

Appraised value to be minimum price

Earnest money.

SEC. 23. At the time of making his bid for the purchase of any timber sold under the provisions of this act, the purchaser shall pay to the state treasurer twenty-five per cent of the appraised value of the timber sold, and the treasurer shall issue duplicate receipts therefor, one of which shall be delivered to the purchaser, and the other filed in the office of the land commissioner. Thereupon the land commissioner shall issue to such

purchaser a permit in such form as may be prescribed by the attorney general, by the terms of which said purchaser shall be authorized and empowered to enter upon and cut and remove from the land therein described, the timber sold, according to the provisions of this act. Said permit shall be signed and sealed by the land commissioner and by the purchaser. It shall contain a description of the land upon which the timber is situated, a statement of the amount of timber estimated to be upon the same, the estimated value thereof, the price at which it is sold, or the price per thousand feet for which the same was sold, in case it is of such a character as to be sold by the thousand feet, and the bark mark which shall be placed upon the timber taken from said land. A separate and distinct bark mark shall be used on the timber cut under each permit; and in case the permit shall cover a period of more than one season, it shall specify the mark to be used each season; and the same bark mark shall not be used for more than one season. No more than one section or the fractional part thereof, according to the government survey, shall be described in any one permit. Said permit shall also provide that every piece of timber cut upon the land therein described shall have in addition to the bark mark hereinbefore provided for, the stamp mark MIN plainly placed upon the end thereof, and it shall contain the provision that in case of the failure of the purchaser to place both said bark mark and stamp mark upon each and every piece of timber cut under and by virtue of said permit, the state shall have the right to seize and take possession of any timber which the purchaser has failed to so mark wherever the same may be found. Said permit shall be dated as of its true date, and shall state the time of its expiration, and that it cannot be extended except as provided in section twenty-four (24.) It shall contain such other and further provisions as may be requisite and necessary to secure to the state the title to all the timber cut under and by virtue of its provisions wherever the same may be found, until the same shall be fully paid for, and until the provisions of the permit shall have been complied with in all respects by the purchaser; it shall provide that all the timber standing upon the land described and sold by its terms to the purchaser, shall be cut; that the same shall be cut clean, acre by acre, without waste or damage to other timber; and it shall contain the stipulation that the purchaser or his assignee, if any, shall and will notify in writing the surveyor general of logs and lumber for the district in which the land therein described is situated, and also the said land commissioner, at least fifteen (15) days

Permits.

before any cutting is done, at which time said purchaser, or his assignee, if any, intends to begin cutting thereunder, and shall again notify such officers and each of them in writing at least fifteen (15) days before any timber is removed from said land, of the date at which said purchaser, or his assignee, if any, intends to commence such removal. Said permit shall also provide that the purchaser shall pay the state the permit price for all the timber which he fails to cut and remove.

Extension of permits.

SEC. 24. No permit shall be issued to cover more than two logging seasons. The timber shall be cut and removed within the time prescribed by such permit. No permit shall be extended except by unanimous consent of the board of timber commissioners, and under no circumstances shall an extension be granted for more than one year, and then only for good and sufficient reasons. In case an extension is granted a log mark shall be agreed upon for the third season. Each permit shall be assignable, but all assignments must be in writing and signed, sealed and acknowledged by the assignor before they shall be valid or in any manner operative. They shall also be filed in the office of the land commissioner, and he shall endorse thereon his approval of the assignment, in case he approves it, and the same together with the approval shall be recorded in a book to be provided for that purpose. In case he fails to approve it such assignment shall be void. Before any assignment shall be of any effect whatsoever, and before the land commissioner shall approve the same, the assignee shall give a bond to be approved by said commissioner by endorsement thereon, and in the same form and subject to the same terms and conditions as the original bond given prior to the issuance of the permit; but neither the original purchaser or either of his sureties, shall be in any manner released or discharged from liability by reason of the fact that an assignment has been made and a new bond given and said original bond shall remain of full force and effect until all provisions of the permit shall have been fully complied with, anything herein contained to the contrary notwithstanding. No permit shall be issued to any person, firm or corporation, other than the one in whose name the purchase is made at the time of such sale. Each permit shall be recorded in the office of the surveyor general of logs and lumber for the district in which the land described in the permit is situated; and the marks in such permit designated and described shall vest the ownership of all timber bearing the same in the state. Any permit which fails to contain any of the requirements provided for in this section shall be

Assignments of permits.

void on its face. In case any purchaser fails to pay the amount required to be paid at the time his bid is made, said commissioner may again immediately offer said timber for sale, but no bid shall be received from the person so failing to pay as aforesaid.

Bond of purchaser.

SEC. 25. Every person, firm or corporation purchasing timber at any such sale, before the execution of the permit hereinbefore provided for, shall sign, seal, acknowledge and deliver to the state, a bond with at least two sureties, in double the amount of the value of the timber included in the permit, as shown by the amount bid, and the official estimate as to quantity. Said bond shall be conditional upon the complete and faithful performance of all and singular the covenants and agreements in said permit contained, the requirements of law in respect to such sales, and the payment to the state treasurer of any amount that may be found due according to the terms of such permit, or by law. Each surety on such bond shall justify in double the amount thereof. The bond herein provided for shall be approved by the land commissioner in writing filed in his office, and recorded in a book to be kept for that purpose. No member of any firm or corporation which is the purchaser of the timber covered by the permit, the faithful performance of which such bond is given to secure, shall be accepted as surety thereon.

Failure to cut.

SEC. 26. In case the purchaser at any such sale, or his assignee, if any, fails or neglects to cut and remove the timber, or any part thereof, purchased by him, prior to the time when the permit, issued on the sale thereof, expires, he shall, nevertheless, pay the state the permit price for all the timber which he fails to cut and remove, but under no circumstances shall he cut or remove said timber, or any part thereof, after the expiration of such permit. The sureties on the bonds given at the time of the purchase, or the assignment, if any, of the permit issued on such sale shall be liable therefor.

Scaling timber cut.

SEC. 27. The surveyor general of logs and lumber in each district shall scale all timber cut on state lands in his district, and make a detailed report thereof to the land commissioner on or before the fifteenth (15) day of May in each year. Such report shall show the name of the party cutting, the name of the party for whom the cutting was done, and the name of the party hauling the same, the kind and character of the timber cut, and the number of logs or pieces cut, the bark marks and stamp marks used thereon, and the total number of feet. Such report shall give the description of the land upon which the timber referred to therein was cut, and no other, and shall state the true and correct

amount cut thereon. In no instance and under no circumstances shall timber cut on different sections be reported together. Such report shall also state specifically whether such timber has been cut according to the provisions of the permit, whether the land has been cut clean acre by acre, as far as the cutting has been made, whether the cutting has been done without unnecessary waste, or damage; whether the timber has all been cut, and if not, how much has been left standing, and whether all timber cut has been scaled and reported; whether the bark marks and stamp marks stipulated in the permit have been placed upon each and every log cut from said land, and whether the stamp mark MIN has been plainly stamped on each and every piece of timber.

Report of surveyor general.

Duties.

It shall also be the duty of the surveyor general of logs and lumber for each district to report to the land commissioner all trespass which may be hereafter committed upon land belonging to the state, and said commissioner shall thereupon immediately cause such report to be investigated and if found true he shall cause such trespass to be estimated, scaled and appraised, and report the same to the attorney general for prosecution. All scaling shall be done by the surveyor general upon the land from which the timber is cut, instead of on the bank as has been heretofore the custom and each log so scaled shall be numbered consecutively, and the number of such log entered upon the minutes of the scaler.

Provided, however, that the land commissioner may question the sale of any number cut on state lands and scaled by any of the surveyor generals or their deputies, by serving a written notice on such surveyors general demanding a rescale. Such notice shall give a full and accurate description of the tract or tracts of land on which a rescale is demanded.

Upon securing such notice the surveyor shall appoint one of his deputies who shall act with one of the state land examiners appointed by the land commissioner to conduct such rescale. The said deputy surveyor general, and the said state land examiner shall thereupon proceed to make a correct scale of all such timber cut and hauled, and removed, or remaining in the woods, or on skids, or standing, as the case may be, and whatever amount they shall agree upon shall be final and binding on the state and on the purchaser or purchasers, and a report made and signed by both the scalers above referred to shall be filed and recorded in the office of the land commissioner.

If it shall be found that the first scale as reported by

the surveyor general was practically correct, then the state shall pay such surveyor general the sum of five ($5) dollars for each and every day necessarily spent in making such rescale in addition to all necessary expenses incurred in traveling to and from such tract or tracts of land, but in the case of a material difference in the two scalers, the surveyor general shall be entitled to no extra compensation for such rescaling. Scales made under this proviso may be what is known as a top and stump scale.

Neglect of duty

SEC. 28. Any surveyor general who shall fail to make full and complete reports in each and every instance, as herein provided, containing each and every requirement hereinbefore specified, including the statement of whether or not he has made his scale upon the land on which the timber was cut, who shall report timber cut fron different sections in one report, who shall fail to scale the timber upon the land from which it has been cut, who shall neglect to report cases of trespass, as herein provided, who shall make any other or different scales than as herein provided, who shall fail to scale all timber cut, who shall fail to comply with any and all of the provisions of this section, or who shall appoint in any other manner than as herein prescribed any deputy surveyor general who shall do work herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment in the county jail for a term not to exceed one year, or by both.

Compensation of surveyor general.

SEC. 29. The state shall pay the surveyor general for surveying timber cut on state lands when the same is scaled on the land from which it was cut, ten (10) cents per thousand feet on all timber cut and scaled under one permit up to five hundred thousand (500,000) feet in amount and five (5) cents per thousand feet on all timber cut and scaled under his permit which scales over five hundred thousand (500,000) feet.

Provided, however, that the purchaser or his assignee, if any shall pay the state treasurer the amount of the fees of the surveyor general for such scaling, and the same shall be included in the drafts drawn by the state auditor as hereinbefore provided.

Lien of state on timber cut.

SEC. 30. No timber cut from such land shall be sold, transferred or manufactured until the amount due the state, according to the report of the surveyor general shall have been paid in full. Any person who shall sell, transfer or manufacture any timber cut from such lands before the amount due the state therefor, according to such report, shall have been paid in full, or who shall

cut any timber upon any such land and shall fail or neglect to mark or cause to be marked any such timber, as provided by the permit issued therefor, or shall place any other mark or marks upon the timber cut by him under such permit, than the ones prescribed thereby, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding one thousand (1,000) dollars and imprisonment in the county jail for a term not exceeding one year or by both.

SEC. 31. For the purpose of carrying out the provisions of this act, the surveyor general of logs and lumber for each district is hereby authorized and empowered to appoint as many deputy surveyors general as he may deem necessary.

Deputies.

Each of such deputies shall be a man of experience and capable of determining correctly the description of land from which any timber is being cut, according to the government survey thereof.

Each deputy shall take and subscribe an oath for the faithful performance of his duties and the protection of the interests of the state, and he shall give a bond in at least the sum of one thousand (1,000) dollars with two (2) sureties conditioned upon the proper and faithful discharge of his duties as such deputy. Said bond and the sureties thereon shall be approved by the surveyor general who appointed the deputy, and the same together with the oath shall be filed in the office of the land commissioner within thirty (30) days after the appointment is made.

Each deputy shall be appointed by instrument in writing, signed and sealed by the surveyor general who appoints him, and a duplicate copy of such appointment shall be filed by said surveyor general in the office of said land commissioner within ten (10) days after such appointment is made.

Any deputy may be discharged by the surveyor general who appointed him, at any time, and in case of his discharge, written notice of such discharge shall be given to the land commissioner immediately thereafter. No one in the employ of any person, firm or corporation transacting a lumbering or logging business shall be appointed as such deputy. No deputy shall be paid for his services or receive any remuneration or compensation whatsoever, either directly or indirectly, from any person, firm or corporation, which has cut or has received a permit to cut from state lands any timber scaled or to be scaled by him.

He shall receive the compensation for such services directly from the surveyor general and through his office, and in no other manner whatsoever.

Duties of deputies.

SEC 32. It shall be the duty of each deputy to assist the surveyor general of the district in which he is appointed in carrying out the provisions of this chapter in every manner faithfully and completely, so far as they relate, to the duties of his office.

Each deputy shall receive his instructions from and work under the immediate direction of the surveyor general in whose district he is appointed; he shall make his reports of all work done at such times and in such manner as the surveyor general of the district in which he is appointed may direct;

Provided, always, that such reports shall conform in each and every respect to the provisions of this chapter, and shall contain all the information requisite and necessary to enable the surveyor general for whom the work is done to make his report to the commissioner of the land office, under, pursuant to and as required by this chapter.

Unfaithful deputies.

SEC. 33. Any deputy surveyor general who shall fail, neglect or refuse to carry out any of the provisions of this act, or who shall accept an appointment as such deputy in any other manner than as herein prescribed, or who shall receive any compensation or remuneration for his services as such deputy or any gratuity of any kind, either directly or indirectly from any other person or source whatsoever than the surveyor general who has appointed him, or who shall fail to properly determine the description of any land from which any timber he may scale is cut, or who shall fail to report correct amount of timber, or the correct number of feet cut from any particular piece of land, according to the scale, as herein provided, together with all marks used thereon, both stamp marks and bark marks; or who shall fail, neglect or refuse to scale any timber upon the land where the same was cut or who shall fail, neglect or refuse to note the fact whether the MIN is stamped upon each and every piece of timber cut, and to embody the same in his report, or who shall fail, neglect or refuse to report the amount cut from any section or subdivision thereof in separate amounts as herein provided, or who shall fail, neglect or refuse to inform himself as to the provisions and conditions of the permit under which the cutting was done, and to faithfully and honestly report whether such timber has been cut according to the provisions of such permit, or who shall fail, neglect or refuse to report each and every violation of the provisions of each and every such permit together with any trespass that may hereafter come to his attention or who shall fail to number consecutively the logs scaled by him as hereinbefore provided.

Penalty.

Shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred (500) dollars, or by imprisonment in the county jail for a term not exceeding six (6) months or by both.

SEC. 34. In case the land commissioner shall at any time be of the opinion that any deputy surveyor general is incompetent or is not acting for the best interests of the state in the performance of his duties, or that he has in any manner violated any of the provisions of this act, he shall lay the matter before the board of timber commissioners, and if said board shall decide by a majority vote thereof, that the opinion of said land commissioner is well founded, said board shall authorize and direct the land commissioner to recommend to the surveyor general who appointed such deputy that he be discharged, and upon such recommendation in writing said surveyor general shall forthwith discharge said deputy and notify said land commissioner in writing immediately, of the fact of such discharge, and such deputy shall not be reappointed.

SEC. 35. The land commissioner shall keep a general index of all instruments, documents, and papers filed or recorded in his office, showing the date of filing, and the book and page where the same are recorded.

All papers, letters, documents and instruments coming into his hands relating in any manner to such lands or to the timber thereon, shall be filed by him, and, together with copies of all letters written by him, shall be preserved as part of the records of his office.

He shall keep a stumpage record book, showing the number of the permit, its date, the date of its expiration, the bark and stump marks prescribed therein, the date of the sale of the timber covered thereby, the date of the approval of such sale, the description of the land on which the timber is located, the date of the estimate, the name of the estimator who made it the amount kind and value of the timber as shown by such estimate, the price for which the same was sold, the name of the purchaser, the amount of timber taken from the land, the date of the report of the same by the surveyor general, the amount paid, the date of payment, the marks used upon the timber and reported, the name of the deputy who scaled the timber, the date of the assignment of the permit, if any, the name of the assignee, if any, the date of filing the bond given at the time of the assignment, the amounts of the bonds, the names of all sureties on the bonds accompanying the permit, the date of the record of such bonds, together with a specific reference to all correspondence in any manner relat-

ing to the description of the land covered by each permit.

The land commissioner shall keep a record of all sales of timber made by him, in a book to be provided for the purpose, and known as the sales book.

He shall enter in ink in such book at the time each tract of timber is sold and before selling another description, the name of the purchaser, the price to be paid, and a description of the land on which such timber is situated.

Collecting for timber cut.

SEC. 36. Upon receipt of any report from the surveyor general of the amount of timber cut under any permit, the state auditor shall draw a sight draft on the purchaser named in the permit, or on his assignee, if any, as the case may be for the amount due by the terms of such permit for such timber; and at the same time shall place in the hands of the state treasurer a duplicate thereof.

Payment of such draft shall be made to the state treasurer, who shall give duplicate receipts therefor, and thereupon one of such duplicate receipts shall be filed in the office of the state auditor, and upon the filing thereof he shall execute under his hand and seal a bill of sale of the timber so paid for, and a transfer of the mark thereon, to such purchaser or his assignee. Such bill of sale and transfer shall describe the timber paid for, its quantity and character, and the land upon which the same is cut. It shall be recorded in the office of the land commissioner in a book to be kept for that purpose, and also in the office of the surveyor general of the district in which such timber is cut.

In no event whatever shall such land commissioner execute any such bill of sale or transfer until the state has been fully paid for the timber therein described, including the fees of the surveyor general for scaling.

Same—seizing the timber.

SEC. 37. If the party on whom such draft is drawn shall not pay the same immediately, it shall bear interest at the rate of eight (8) per cent per annum from its date, and if it is not paid within thirty (30) days from its date the state treasurer shall place the same in the hands of the attorney general for collection, and he shall proceed forthwith to collect the same.

Provided, however, that in case the land commissioner shall at any time deem it for the best interests of the state to take possession of the timber, for the payment of which such draft is drawn, he shall immediately proceed to seize said timber wherever the same may be found, and sell the same to the highest bidder at public auction. The proceeds of such sale shall be first applied to the payment of the expenses incurred by the

commissioner in seizing said timber and making such sale; and the remainder shall be applied to the payment of such draft and interest.

In case a sufficient sum is not realized on the sale of such timber to pay such expenses and said draft in full, the balance remaining due on such draft with interest, shall be collected by the attorney general as herein provided.

In case there shall be realized on such sale a sum more than sufficient to pay the expenses incurred by the land commissioner in making such seizure and sale, and paying said draft, the entire sum so realized shall belong to the state.

Provided, however, that neither the making of said draft, the payment thereof, the bringing suit thereon, the seizure of such timber or the sale thereof, as herein provided, shall in any manner be construed to release or discharge any surety upon any bond given pursuant to the terms of this act, anything herein contained to the contrary notwithstanding, nor to in any manner bar or estop the state from afterwards claiming that the timber for which said draft was given was cut or taken, or removed contrary to the law, and recovering for the same, in any civil action, or prosecuting the offender criminally under the provisions of this act, or both.

Compromising trespasses.

SEC. 38. The land commissioner is hereby authorized and empowered to compromise and settle any case of trespass upon such lands, whenever, in his judgment, it is for the best interests of the state to make such settlement; *provided,* however, that in no event shall he settle any case of trespass on such lands until he has had the timber taken under such trespass scaled and appraised by a state estimator, and the written report thereon made and filed in the office of said commissioner, as herein provided; and *provided, further,* that he shall not make any such settlement for an amount less than double the value of such timber, as shown by such scale and appraisal.

Record of trespasses.

SEC. 39. It shall be the duty of the land commissioner to keep a record book which shall contain a record of all trespass reported, of all scales of trespass, of all correspondence relating thereto and of all settlements thereof.

Confiscation of stolen lumber.

SEC. 40. The land commissioner is hereby authorized and empowered to seize and take possession of any timber or other property wrongfully taken from such lands, wherever it may be found, and in the event of such seizure to sell such timber or other property to the highest bidder at public auction.

In case the state either by action or through the land commissioner, shall seize or take possession of any timber or other property taken from such lands, and shall proceed to sell the same, the expenses incurred in making such seizure and sale may be deducted from the proceeds thereof.

Records as notice.

SEC. 41. The records kept in the office of the land commissioner, pursuant to this act, shall be taken and deemed notice of the facts therein set forth.

Timber—definition.

SEC. 42. The word "timber," as used in this act, shall be construed to mean trees, logs, ties, posts, poles, paving blocks, lumber, lath and shingles.

Sections repealed.

SEC. 43. Sections eight (8), nine (9), twelve (12), fifteen (15), sixteen (16), thirty-one (31), forty-one (41), forty-two (42), forty-four (44), forty-seven (47), forty-eight (48), forty-nine (49), fifty (50), fifty-one (51), fifty-two (52), fifty-three (53) and fifty-four (54) of chapter thirty-eight (38), general statutes of eighteen hundred and seventy-eight (1878), any and all amendments thereto, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 44. This act shall take effect and be in force from and after June first (1st) 1895.

Approved April 22nd 1895.

CHAPTER 164.

H. F. No. 20.

Drainage of state lands.

An act entitled "An act to appropriate moneys for the purpose of opening of closed water courses leading into the Red River and its tributaries, and for opening existing streams in the Red river valley in the counties of Wilkin, Clay, Norman, Polk, Marshall, Kittson, Grant, and Traverse, for the purpose of draining land owned by the state of Minnesota therein; and also for the purpose of reclaiming swamp lands granted to the state of Minnesota by act of congress approved September twenty-eighth (28th) A. D. one thousand eight hundred and fifty (1850)."

"Whereas, the State of Minnesota is the owner of large tracts of low, wet and marshy lands of great value in the counties of Wilkin, Clay, Norman, Polk, Marshall, Kittson, Grant and Traverse, which will be greatly increased in value by drainage, and,

Whereas, there was granted to the State of Minnesota by the United States of America, by act of congress, approved September twenty-eighth (28th), one thousand eight hundred and fifty (1850), upwards of

two hundred and seventy thousand seven hundred and forty (270,740) acres of swamp land situate in said counties of the value of upwards of one million five hundred thousand (1,500,000) dollars, which said land aggregating upwards of three-fourths (¾) in value and acreage thereof has heretofore been appropriated and conveyed by said state."

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the sum of fifty thousand (50,000) dollars in addition to the sum appropriated by chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893), is hereby appropriated out of the general revenue fund to the counties of Wilkin, Clay, Norman, Polk, Marshall, Kittson, Grant and Traverse for the purpose provided in said chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893), and as hereafter provided. The moneys so appropriated shall not exceed in amount the sum of twenty-five thousand (25,000) dollars annually for the period of two (2) years from the first (1st) day of January, one thousand eight hundred and ninety-five (1895).

How expended.

SEC. 2. That the moneys hereby appropriated shall be expended by and under the direction of the board of audit provided for by said chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893).

Same.

SEC. 3. That said board is hereby authorized to determine in what manner the moneys provided for shall be expended, *provided* that such moneys shall only be expended for the purpose of opening closed water courses leading into the Red river and its tributaries, and for opening existing steeams in the Red river valley in this state for drainage purposes, to reclaim swamp lands, granted to the state of Minnesota by act of congress approved September twenty-eighth (28th), one thousand eight hundred and fifty (1850), and lands owned by the state of Minnesota, and the further purpose of improving the public health, and such moneys shall be paid by the state treasurer upon a certificate of said board of audit or a majority of them.

Intent of this act.

SEC. 4. It is the intention of this act that it be supplementary to said chapter two hundred and twenty-one (221) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-

three (1893), so that the total appropriation for the years one thousand eight hundred and ninety-five (1895) and one thousand eight hundred and ninety-six (1896) shall be the full sum of fifty thousand (50,000) dollars for each of said years.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 17th 1895.

CHAPTER 165.

H. F. No. 375.

Forfeiture of R. R. lands.

95 c 165
07 - 110

An act to declare a forfeiture and determination of the rights of the Hastings Minnesota river and the Red river of the North Railway company, afterwards called the Hasting and Dakota Railway company, to any of the public lands within this state heretofore granted or reserved to aid in the construction of the line of road of said company.

Whereas, all the corporate rights, powers, privileges and immunities, heretofore granted by the state and the territory of Minnesota, to the Hastings Minnesota river and Red river of the North Railway company, afterwards named the Hastings & Dakota railway company, has been declared forfeited, by the supreme court of this state, by the judgment of said court, of date March 23rd 1887, for the non-user of its corporate franchise; and

Whereas, more than the three years allowed by law for the closing up of the affairs of corporations whose charter is adjudged forfeited, has elapsed, and no receiver has been appointed for said corporation under the laws of this state or otherwise; and

Whereas, one Russell Sage, claiming to be the trustee of said extinct corporation is claiming, and asserting a right to acquire certain of the lands in this state formerly covered by the indemnity grant to said railway company under a selection thereof made since to said corporation has entirely ceased to exist, and is demanding of the United States land department that said lands be certified to the state of Minnesota, and by said state conveyed to the said Sage as such so-called trustee, in pretended fulfillment of said grant; and

Whereas, the said lands, if freed from the asserted claim of said Russell Sage, are a part of the general public domain, and subject to disposition under the gov-

ernment homestead laws to actual settlers now located thereon or to locate thereon, therefore

Be it enacted by the Legislature of the state of Minnesota:

Forfeiture and surrender of Hastings & Dakota Ry. lands.

SECTION 1. That all the rights, powers or privileges heretofore granted by any law of the territory or state of Minnesota to the said Hastings & Dakota Railway Company, by its present or former name, to select or acquire title to any of the public lands within this state is hereby declared to be forfeited and terminated, and all the claims of the state of Minnesota, either for its own or the benefit of said railway company to the lands set apart by the provisions of chapter 148, of volume fourteen, United States Statutes at Large, approved July 4th 1866, is relinquished and surrendered to the United States.

Conveyances annulled.

SEC. 2. The conveyance by the governor of this state of the lands above referred to, to the said Hastings and Dakota Railway Company or to the said Russell Sage is hereby prohibited, and declared to be unlawful.

Governor to deed to U. S.

SEC. 3. The governor of the state is hereby directed to execute for and on behalf of the state of Minnesota to the United States a full relinquishment and surrender of all claims by or through this state to any and all lands within this state, covered or affected by any of the grants above referred to and directing the restoration of said lands to the public domain, and shall file the same forthwith with the secretary of the interior at Washington.

Exception.

Provided, that nothing in this act contained shall in any manner affect, invalidate or impair the title to any of the lands embraced within said grant, heretofore conveyed to this state by the United States and by this state conveyed to the said Hastings & Dakota Railway Company or its assigns, under the provisions of the grant aforesaid.

Provided further, that nothing in this act contained shall in any manner affect, invalidate or impair either the right of possession or the title to any land embraced within said grant which has been or is used as part and parcel of the right of way strip, or as depot grounds formerly of the Hastings & Dakota Railway Company and now held owned and operated by the Chicago Milwaukeee & St. Paul Railway Company, as part and parcel of the Hastings & Dakota division of the company last mentioned.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 18th, 1895.

CHAPTER 166.

H. F. No. 82.

An act declaring a forfeiture of state swamp lands granted to a branch of the Minneapolis and St. Cloud Railroad company, and transfer the same to the state.

Forfeiture of R. R. lands.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That whereas, by a proviso contained in section four (4) of chapter three (3) of the special laws of eighteen hundred and sixty-five (1865) of an act entitled An act granting swamp lands to aid the Minneapolis and St. Cloud Railroad company in building branches to connect with the Lake Superior and Mississippi railroad and the Winona and St. Peter railroad or any other railroad in Southern Minnesota, approved February eleventh (11th) eighteen hundred and sixty-five (1865), it was declared, that if said company shall not within five (5) years construct and equip for business with cars running thereon at least ten (10) miles of said road or either of its branches, and the residue within seven (7) years from the passage of this act, then and in that case, all the lands hereby granted, pertaining to the unbuilt portions of said road, or either of its branches, shall be forfeited to the state, and, whereas, by a proviso contained in section four (4) of chapter fifty-six (56), of special laws of eighteen hundred and sixty-nine (1869) of an act entitled, An act granting swamp lands to aid the Minneapolis and St. Cloud Railroad company in building branches to connect with the Lake Superior and Mississippi railroad and the Winona and St. Peter railroad, or any other railroad in Southern Minnesota, approved March fifth (5th) eighteen hundred and sixty-nine (1869), it was declared that if the said company shall not construct and equip for business, with cars running thereon, at least ten (10) miles of the said road, within three (3) years from the first (1st) day of December, A. D. one thousand eight hundred and sixty-nine (1869), and the residue within six (6) years from the last date aforesaid, then and in that case all the lands hereby granted, pertaining to the unbuilt portion of said road shall be forfeited to the state, and, whereas, by the provisions of section one (1) chapter three hundred and twenty-

Preamble.

Same.

five (325), of special laws of eighteen hundred and seventy-nine (1879), entitled, An act to extend the time for the construction and completion of a branch of the Minneapolis and St. Cloud railroad, it was provided that the time for the construction, completion and equipment of that branch of the Minneapolis and St. Cloud railroad from St. Cloud to connect with the Winona and St. Peter railroad, or any other railroad running in Southern Minnesota from east to west, and to strike the Minnesota river at St. Peter or some point between St. Peter and the mouth of Redwood river, being the same branch road mentioned and referred to in section two (2) of chapter three (3) of the special laws of the year one thousand eight hundred and sixty-five (1865), approved February eleventh (11th) eighteen hundred and sixty-five (1865) be and the same is hereby extended until the twenty-fifth (25th) day of December, one thousand eight hundred and eighty-five (1885) and whereas, the said branch of the Minneapolis and St. Cloud railroad, from St. Cloud to connect with the Winona and St. Peter railroad, or any other railroad running in Southern Minnesota from east to west, and to strike the Minnesota river at St. Peter or some point between St. Peter and the mouth of the Redwood river, being the same branch mentioned and referred to in section two (2) chapter three (3) of the special laws of the year eighteen hundred and sixty-five (1865), approved February eleventh (11th), one thousand eight hundred and sixty-five (1865), was not constructed, completed and equipped on the twenty-fifth (25th) day of December, eighteen hundred and eighty-five (1885), except that portion of said branch line running from St. Cloud southwesterly in the direction of Wilmar to a point in section twenty-two (22), township one hundred and twenty-three (123) north, range thirty-one (31) west, a distance of about twenty (20) miles, and the provisions of said acts and the provisos therein contained relating to said branch line as above described have in no manner been complied with, except as above stated, and no other part or portion of said branch line at the present time has been constructed, completed and equipped. Therefore:

Same.

Same.

Be it enacted by the Legislature of the state of Minnesota:

Forfeiture declared.

SEC. 2. That the lands appertaining to the branch of the Minneapolis and St. Cloud railroad from St. Cloud to connect with the Winona and St. Peter railroad or any other railroad running in Southern

Minnesota from east to west, and to strike the Minnesota river at St. Peter or some point between St. Peter and the mouth of Redwood river, by reason of any grant made by any law of this state, and not heretofore earned under the terms of said grant or law, are hereby declared forfeited and lost to said Minneapolis and St. Cloud railroad.

Repealing clause.

SEC. 3. That all acts and parts of acts enacted by the legislature of this state conveying or transferring or attempting to convey or transfer to any railroad, the lands, or any portion of the lands, described in section two (2) of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 167.

H. F. No. 48.

An act vacating state and territorial roads through platted portions of incorporated cities in certain cases.

Vacating state and territorial roads in platted cities.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That in all cases where territorial or state roads have been heretofore laid out or traveled through or across land which has since been duly or legally embraced within the limits of any incorporated city, and has also been duly platted into lots, blocks and streets, so much of said state and territorial road as is embraced within the limits of any such platted portion of any such incorporated city is hereby vacated, *provided*, however, that nothing herein contained shall apply to any portion of any such road as has been adopted by such plat as a street or alley or is now recognized and used by the city as one of its streets, nor to any portion thereof lying within the limits of any such block in which the property has been platted to face on said road.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after November first (1st), eighteen hundred and ninety-five (1895).

Approved March 21st, 1895.

H. F. No. 1.

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CHAPTER 168.

Taxing R. R. lands.

An act relating to the taxation of certain lands owned by railroad companies in this state, and repealing laws and parts of laws relating to the taxation of the same, and to provide for the submission of this act to the people of this state for their approval or rejection.

95 C 168
72-M - 201
73-M - 422
77-M - 433
80-NW 626

Be it enacted by the Legislature of the state of Minnesota:

What lands taxed.

SECTION 1. All lands in this state heretofore or hereafter granted by the state of Minnesota or the United States, or the territory of Minnesota to any railroad company shall be assessed and taxed as other lands are taxed in this state, except such parts of said lands as are held, used or occupied for right of way, gravel pits, sidetracks, depots and all buildings and structures which are necessarily used in the actual management and operation of the railroads of said companies.

Provided that said railroad companies shall continue to pay taxes into the state treasury upon their gross earnings in the same manner and in the same amount as now provided by law. And that nothing in this act contained shall be construed to repeal said laws except in so far as the same relate to the tax upon said lands.

Repealing clause.

SEC. 2. Such portion or portions of any act or acts, general or special, of the state or territory of Minnesota heretofore enacted, which provides or attempts to provide for any exemption of lands hereby declared taxable, from taxation, or for any other method of taxing said last mentioned lands different from the method of taxing other lands in this state, or which are in any manner inconsistent with the provisions of this act, are hereby repealed.

If so, not so, therefore.

SEC. 3. If this act shall be held to be void so far as it applies to the lands of any particular railroad company in this state, it shall not be ground for declaring it void or inapplicable to any other company not similarly situated.

Submitted to the people.

SEC. 4. This act shall be submitted to the people of this state for their approval or rejection at the next general election for the year eighteen hundred and ninety-six (1896).

The secretary of state shall cause to be printed upon the form of ballots used in voting for state officers at the next general election, in manner conformable with the requirements of the general election law the words:

For taxation of railroad lands.....	Yes.	
	No.	

and each electing voter at such election shall designate his vote by a cross mark made opposite one or the other of the said words "Yes" and "No," and the said election shall in all respects conform so far as may be to the requirements of the general election law, and the returns of said election shall be made, canvassed and certified and the result thereof declared in the manner provided by law for returning, certifying and canvassing votes cast for state officers.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1895.

CHAPTER 169.

H. F. No. 803.

St. Croix Park.

An act to authorize the governor of the state of Minnesota to acquire the title of certain lands on and along the banks of the St. Croix river at and near the Dalles of the St. Croix for the state of Minnesota, and to occupy and improve the same as a public park and making an appropriation to enable the governor to make compensation therefor.

Preamble.

Whereas, the Dalles of the St. Croix river, situated in Chisago county, Minnesota, at the head of navigation of the St. Croix river and the lands adjacent thereto, comprise the most picturesque and attractive scenery in the state of Minnesota, attracting a great number of visitors from our own and other states, and constituting a source of happiness and recreation to the public generally, and, whereas, private parties have been permitted to acquire the title to the adjoining lands, commanding a view of the Dalles and scenery and the natural attractions of the place, and the public interests require that said land, as well as the natural scenery and attractions, should be forever kept open for the occupation and use of the public, so that every citizen of Minnesota, and of the United States, may equally participate in their enjoyment; therefore.

Same.

Be it enacted by the Legislature of the state of Minnesota:

Governor to acquire title.

SECTION 1. That the governor of the state of Minnesota, is hereby authorized and empowered to acquire for and in the name of the State of Minnesota in the manner hereinafter provided, and for the purposes hereinafter designated, the title to all those tracts, pieces and parcels of land lying and being in the county of Chisago, described as follows, to-wit: Block thirteen

Territory embraced.

(13); all that strip of land lying between block thirteen (13) and the St. Croix river; lots four (4) to eighteen (18) in block fourteen (14); all of block sixteen (16); lots one (1) to ten (10), and fourteen (14) to twenty-seven (27) of block thirty-five (35) except and reserving the right of way of the Taylors Falls and Lake Superior Railway company; all of blocks thirty-six (36), thirty-seven (37), thirty-eight (38), one hundred and twenty (120), one hundred and twenty-one (121), one hundred and twenty-two (122), one hundred and twenty-three (123) excepting and reserving, the right of way of the said railway company; lots one (1), two (2), twenty (20) twenty-one (21) and twenty-two (22) of block thirty-nine (39); Islands Nos. one (1) and two (2) in the Saint Croix river, and blocks one hundred and twenty-four (124) one hundred and twenty-five (125), one hundred and twenty-six (126) one hundred and twenty-seven (127), and all of School Land Addition to Taylors Falls; all in the town of Taylors Falls in the county of Chisago and state of Minnesota, according to the recorded plat of the said town on file in the office of the register of deeds within and for said county of Chisago, together with all streets, alleys and parks abutting on said property, containing one hundred and ten (110) acres more or less, said land and the title thereto to be held by the state of Minnesota, and to be appropriated to public use as a public park for all time under such regulations as the Legislature may from time to time prescribe and in carrying such regulations into effect the governor of this state is authorized to confer and co-operate with the governor of Wisconsin, in the event that said state appropriates an equal or larger amount of land to public use for park purposes along the east bank of the St. Croix river, opposite the lands herein described, as now contemplated by the legislature of Wisconsin, and such conference and co-operation, may extend to all matters pertaining to acquiring, improving and preserving said park, and connecting such portions thereof as may lie in different states by such bridges, or other means as to them shall seem suitable and necessary.

Method of acquiring title.

SEC. 2. To acquire the title of said lands the governor is hereby authorized and empowered to appoint a commission composed of three persons, one of whom shall be a resident of Taylors Falls, Chisago county, to examine and determine the value of the land to be appropriated to public use, and to the purposes above designated said commissioners shall each qualify and organize as a commission in the manner now provided by law, for commissioners appointed to ascertain and

determine the value of land taken and appropriated by corporations having the franchise of taking lands for right of way for public use, and shall proceed in all respects to determine the value of each tract of land and parcel appropriated, as required by the laws of this state of commissioners appointed in proceedings for the condemnation and payment to the owners of lands appropriated to public use. Within three months after their appointment, said commissioners shall make out and file with the governor and with the state auditor a report in duplicate, describing each tract and parcel of land taken, with all streets, alleys and other public property appropriated, and the value thereof as found or determined upon and reported by said commission shall be conclusive both upon the owners of said land and upon the state of Minnesota, and the value of the same so reported shall be paid to the owners thereof respectively by warrants drawn on the state treasurer in favor of such owner, or owners of said land, or any tract or parcel thereof out of the money in the treasury hereby appropriated for that purpose.

Name.

SEC. 3. The name of said park shall be "The State Park of the Dalles of St. Croix" and the governor is hereby authorized to appoint a commissioner of the same, who shall have the general care and supervision thereof, under such rules and regulations as the governor may prescribe.

Expenses.

SEC. 4. The compensation of each commissioner appointed under this act shall be three dollars a day for the time he actually serves upon said commission, and for a period not exceeding twenty (20) days. The compensation of the supervisor when appointed shall not exceed three hundred (300) dollars per annum. Such supervisor shall not be appointed until all the lands herein described are acquired by the state.

Testimony of value.

SEC. 5. The commissioners appointed under this act shall have power to administer oaths, and summon and examine witnesses.

Penalty for trespassing.

SEC. 6. After the state has acquired possession of said land any person who shall willfully cut, destroy or mutilate, or shall cause to be willfully cut, destroy or mutilate any tree, timber or evergreen shrub or shrubbery in said park, or who shall deface, injure or break any bridge, stairs, walk, structure or improvement, or misplace, disturb or paint any name or names, picture or pictures upon any rocks, boulders or other material or post any bill or bills, advertisement or advertisements, or who shall throw or deposit, or cause to be thrown or deposited any stick or sticks, stone or stones, earth or other debris into what is known as the

natural wells within said park, or who shall in any other manner than with hook and line take any fish from the waters of said park shall be guilty of a misdemeanor, and shall upon conviction, be punished by a fine of not less than five (5) dollars nor more than twenty-five (25) dollars for the first offense, for the second offense, by a fine not less than twenty-five (25) dollars nor more than fifty (50) dollars, and for the third offense or further offenses shall be fined in a sum not exceeding seventy-five (75) dollars and imprisonment not less than ten (10) nor more than ninety (90) days in the common jail of the county where the offense is committed. Upon all convictions under this section all costs of the prosecution shall be added to the fine imposed by the court. All offenders charged for misdemeanors as hereinbefore provided shall be tried and determined under the general laws of the state applicable to the trial of criminal actions in like causes, *provided*, there shall be no change of venue taken or allowed in such criminal proceedings.

Appropriation.

SEC. 7. That the sum of six thousand (6,000) dollars be and the same is hereby appropriated out of the money in the state treasury not otherwise appropriated for the purpose of carrying out the provisions of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 91.

CHAPTER 170.

Master and servant.

An act to provide for the settlement of differences between employers and employes and to authorize the creation of boards of arbitration and conciliation, and to appropriate money for the maintenance thereof.

Be it enacted by the Legislature of the state of Minnesota:

Arbitration.

SECTION 1. That within thirty (30) days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint a state board of arbitration and conciliation consisting of three competent persons, who shall hold office until their successors are appointed. On the first Monday in January, 1897 and thereafter biennially, the governor by and with like advice and consent shall appoint said board, which shall be constituted as follows; One of them shall be an employer of labor, one of them shall

State board of arbitration and conciliation—how composed.

be a member selected from some bona fide trade union and not an employer of labor, and who may be chosen from a list submitted by one or more trade and labor assemblies in the state, and the third shall be appointed upon the recommendation of the other two, as hereinafter provided, and shall be neither an employe, or an employer of skilled labor, *provided* however, that if the two first appointed do not agree in nominating one or more persons to act as the third member before the expiration of ten (10) days, the appointment shall then be made by the governor without such recommendation. Should a vacancy occur at any time, the governor shall in the same manner appoint some one having the same qualifications, to serve out the unexpired term; and he may also remove any member of said board.

Organization.

SEC. 2. The said board shall, as soon as possible after their appointment, organize by electing one of their members as president and another as secretary and establish, subject to the approval of the governor, such rules of procedure as may seem advisable.

Hearing of differences.

SEC. 3. That whenever any controversy or difference arises, relating to the conditions of employment or rate of wages between any employer, whether an individual, a co-partnership or corporation, and whether resident or non-resident, and his or their employes, if at the time he or it employs not less than ten (10) persons in the same general line of business in any city or town in this state, the board shall, upon application, as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the causes thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be submitted to by either or both to adjust said dispute, and within ten days after said inquiry make a written decision thereon. This decision shall at once be made public and a short statement thereof published in a biennial report hereinafter provided for; and the said board shall also cause a copy of said decision to be filed with the clerk of the district court of the county where said business is carried on.

Application—notice of hearing.

SEC. 4. That said application shall be signed by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the grievance alleged, and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employes the board shall, before proceeding further, satisfy itself that such agent is duly authorized in writ-

ing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board. Within three days after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place where said hearing shall be held. But public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested, in such manner as the board may order; and the board may at any stage of the proceedings cause public notice to be given notwithstanding such request.

Powers of board.

SEC. 5. The said board shall have power to summon as witnesses any clerk, agent or employe in the departments of the business, who keeps the records of wages earned in those departments and require the production of books containing the records of wages paid. Summons may be signed and oaths administered by any member of the board. Witnesses summoned before the board shall be paid by the board the same witness fees as witnesses before a district court.

Decision.

SEC. 6. That upon the receipt of an application after notice has been given as aforesaid, the board shall proceed as before provided and render a written decision which shall be open to public inspection, and shall be recorded upon the records of the board and published at the discretion of the same in a biennial report which shall be made to the legislature on or before the first Monday in January of each year in which the legislature is in regular session.

Mutually binding—when.

SEC. 7. In all cases where the application is mutual, the decision shall provide that the same shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employes by posting the same in three conspicuous places in the shop, factory or place of employment.

Efforts of conciliation.

SEC. 8. Whenever it shall come to the knowledge of said board, either by notice from the mayor of a city, the county commissioners, the president of a chamber of commerce or other representative body the president of a central labor council or assembly, or any five reputable citizens, or otherwise, that what is commonly known as a strike or lockout is seriously threatened or has actually occurred in any city or town of the state, involving an employer and his or its present or past employes, if at the time such employer is employing, or

up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this state, and said board shall be satisfied that such information is correct, it shall be the duty of said board, within three days thereafter, to put themselves in communication with such employer and employes and endeavor by mediation to effect an amicable settlement between them or to pursuade them to submit the matter in dispute to a local board of arbitration, and conciliation, as hereinafter provided, or to said state board, and the said state board may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same and may make and publish a report assigning such responsibility. The said board shall have the same powers for the foregoing purposes as are given them by sections three and four of this act.

Local boards.

SEC. 9. The parties to any controversy or difference, as specified in this act, may submit the matter in dispute in writing to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbiters, the employes or their duly authorized agent another and the two arbiters so designated may choose a third, who shall also be chairman of the board. Each arbiter so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duty as such arbiter, which consent and oath shall be filed in the office of the clerk of the district court of the county where such dispute arises. Such board shall, in respect to the matters submitted to them, have and exercise all the powers which the state board might have and exercise, and their decisions shall have whatever binding effect may be agreed to by the parties to the controversy in the written submission. Vacancies in such local boards may be filled in the same manner as the regular appointments are made. It shall be the duty of said state board to aid and assist in the formation of such local boards throughout the state in advance of any strike or lockout, whenever and wherever in their judgment the formation of such local boards will have a tendency to prevent or allay the occurrence thereof. The jurisdiction of such local boards shall be exclusive in respect to the matters submitted to them; but they may ask and receive the advice and assistance of the state board. The decisions of such local boards shall be rendered within ten days after the close of any

hearing, held before them; such decision shall at once be filed with the clerk of the district court of the county in which such controversy arose and a copy thereof shall be forwarded to the state board.

Compensation.

SEC. 10. Each member of said state board shall receive as compensation five ($5) dollars a day including mileage, for each and every day actually employed in the performance of the duties provided for by this act; such compensation shall be paid by the state treasurer on duly detailed vouchers approved by said board and by the governor.

Reports.

SEC. 11. The said board in their biennial reports to the legislature shall include such statements, facts and explanations as will disclose the actual workings of the board and such suggestions with regard to legislation as may seem to them conducive to harmonizing the relations of and the disputes between employers and employes; and the improvement of the present relations between labor and capital. Such biennial reports of the board shall be printed in the same manner and under the same regulations as the reports of the executive officers of the state.

Appropriation.

SEC. 12. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars or so much thereof as may be necessary for the purpose of carrying out the provisions of this act.

SEC. 13. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 130.

CHAPTER 171.

Employment of children.

An act to regulate the employment of children.

95 c 171
94-M - 478
103-NW 509

Be it enacted by the Legislature of the state of Minnesota:

Limitation.

SECTION 1. No child under fourteen (14) years of age shall be employed at any time in any factory or workshop or about any mine. No such child shall be employed outside of the family in which he resides at any indoor work performed for wages or other compensation, to whomsoever payable before the hour of seven (7) o'clock in the morning nor after the hour of six (6) o'clock in the evening.

No employment during school period.

SEC. 2. No child under the age below which all children are by law required to attend school shall in the year next succeeding any birthday of said child be employed at any occupation during the hours in which the public schools in the town or city in which he resides are in session, unless or until in said year he has attended some school for at least a period of time equal to that required by law for attendance of school.

Physician's certificate.

SEC. 3. The commissioner of labor, the factory inspector or any assistant factory inspector shall have power to demand a certificate of physical fitness from some regularly licensed physician in the case of children who may seem physically unable to perform the labor at which they may be employed, and no minor shall be employed who cannot obtain such a certificate.

No indoor employment—when.

SEC. 4. No child under sixteen years of age who cannot read and write simple sentences in the English language shall, except in vacations of the public schools be employed at any indoor occupation, *provided* such child is not a regular attendant at a day or evening school.

No penalty if labor necessary for support.

SEC. 5. Whenever it appears to the court on the trial of any complaint under this act, that the labor of any minor twelve (12) years of age and under fourteen (14) years of age, who is able to read and write the Englsh language and who would be debarred from employment under section two (2) of this act, or that the labor of any minor fourteen (14) years of age or over who would be debarred by section four (4) of this act, is necessary for the support of the family to which said minor belongs, or for his own support and that such minor is employed during a reasonable part of the year only, or that he is necessarily employed during the whole year, the penalties provided in this act shall not apply to the parents, guardians or employers of such minor.

Running elevators—limitation.

SEC. 6. No person, firm or corporation shall employ or permit any child under sixteen (16) years of age to have the care, custody, management or operation of any elevator, or permit any person under eighteen (18) years of age to have the care, custody, management or operation of any elevator running at a speed of over two (200) hundred feet a minute.

Certificate—when necessary

SEC. 7. No child actually or apparently under sixteen (16) years of age shall be employed in any factory, workshop or mercantile establishment, or in the service of any public telegraph, telephone or district messenger company or other corporation, unless the person, firm or corporation employing said child procures and keeps on file the certificate required in the case of such child

by the following section, and also keep on file a full and complete list of such children employed therein.

Employment certificates.

SEC. 8. The employment certificates of children under sixteen (16) years of age called for by this act shall, in cities and towns having a superintendent of schools, be signed by said superintendent or some person authorized by him in writing so to sign the same; in other cities and towns it shall be signed by some member of the school board authorized by vote of said board to sign such certificates. Said certificate shall contain a statement of the name, birthplace, date of birth, and age of child at date of statement. This statement shall be signed and acknowledged under oath or affirmation before the person authorized to issue the certificate. The certificate shall also contain a statement or certificate by the officer issuing the same that the child can read at sight and write legibly simple sentences in the English language, or that said child if unable so to read and write is regularly attending a day or evening school or has been excused by the school board from said attendance as provided by section five (5), and that if under the age required by law for the attendance of all children at school, said child has in the year next preceding the issuing of said certificate attended school as required by law. If attendance has been at a private school there must also be added the signature of the teacher in charge of the same followed by words certifying to school attendance. The person signing the certificate shall have authority to administer the oath provided therein but no fee shall be charged therefor. The commissioner of labor is hereby authorized and directed to prepare blank certificates such as are called for by this section and furnish the same to the superintendents of schools and school boards of the state.

How signed.

SEC. 9. The statement in the certificate giving the birthplace and age of the child shall be signed by the father, if living, and resident of the same city or town; if not, by his mother; or if his mother is not living, or if living is not a resident of the same city or town, by his guardian; if a child has no father or mother or guardian living in the same city or town his own signature to the certificate may be accepted by the person authorized to approve the same.

Visitorial powers.

SEC. 10. Every factory, workshop, mine, mercantile establishment or other place in which or in connection with which children are engaged at labor of any kind, shall at all times be subject to visitation by the members or agents of the board of education or board of trustees of the city, town or district in which said

factory, workshop, mine, establishment or place is situated.

Definition of factory and workshop.

SEC. 11. The words factory and workshop in this act shall have the same meaning as set forth in chapter seven (7) of the general laws of eighteen hundred and ninety-three (1893).

Penalty for violation.

SEC. 12. Every parent or guardian of a child under sixteen (16) years of age who permits the employment of any child contrary to the provisions of this act, or who in making the statement called for by section eight (8) of this act certifies to any materially false statement therein, and every owner, superintendent, agent or overseer of any factory, workshop or mercantile establishment, telegraph, or telephone company, district messenger company or other corporation who employs or permits to be employed therein or thereby any child contrary to the provisions of this act, and any person who employs a child contrary to the provisions of this act or violates the provisions of section ten (10) of this act shall be guilty of a misdemeanor and upon conviction thereof before any competent court shall be fined not less than twenty (20) nor more than fifty (50) dollars for each and every offense. A failure to produce to an officer or employe of the bureau of labor, or to a member or authorized agent of the board of education or board of trustees of the city or school district in which the said child is employed, on demand, the certificate and register required by this act, shall be prima facie evidence of the illegal employment of the child whose certificate is not produced.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

CHAPTER 172.

S. F. No. 343.

Membership in union—no objection.

An act to provide a penalty for coercing or influencing or making demands upon or requirements of employes, servants, laborers and persons seeking employment.

Be it enacted by the Legislature of the state of Minnesota:

Penalty.

SECTION 1. That it shall be unlawful for any individual, or member of any firm, or any agent, officer or employe of any company or corporation to coerce,

require, demand or influence any person or persons to enter into any agreement, either written or verbal, not to join or become or remain a member of any lawful labor organization or association as a condition of such person or persons securing employment or continuing in the employment of such individual, firm or corporation.

SEC. 2. Any person who, acting for himself either directly or through another person, agent or agency, or who acting as agent or employe of another person or persons, or who as a member of any firm, or as an officer, agent or employe of any company or corporation, coerces, requires, demands or influences any person or persons to enter into any agreement, either written or oral, not to join or become or remain a member of any lawful labor organization or association as a condition of such person or persons securing employment or continuing in the employment of such individual, firm or corporation, is guilty of a misdemeanor.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 26th 1895.

S. F. No. 246

CHAPTER 173.

An act defining the duties of masters and employers to employes in certain cases.

Be it enacted by the Legislature of the state of Minnesota:

Duty of employers to employees.

SECTION 1. Every master or employer in this state shall use reasonable care to provide the person or persons in his employ with reasonably safe, suitable and sufficient tools, implements and instrumentalities with which to do the master's work, and also use reasonable care to provide a reasonably safe and suitable place for his servants to perform the duties assigned to them by the master.

It shall also be the master's duty to use reasonable care to establish safe and suitable rules and regulations or methods for the performance of the work required of his servants, and to direct and supervise the performance of the work in a reasonably safe and prudent manner.

Vice principal.

SEC. 2. Whenever a master or employer delegates to any one the performance of his duties which he, as master or employer owes to his servants, or any part or portion of such duties the person so delegated,

while so acting for his master or employer shall be considered the vice principle and representative of the master.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 23rd, 1895.

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95 c 174
35-M - 279
56-1 r a 759

CHAPTER 174.

H. F. No. 555.

An act to prohibit the practice of black-listing and the coercing and influencing of employes by their employers.

Blacklisting.

95 c 174
110-NW 975

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. It shall be unlawful for any two (2) or more employers or any two (2) or more corporations to combine or to agree to combine or confer together for the purpose of interfering with, or preventing any person or persons from procuring employment, either by threats, promises, or by circulating or causing to be circulated, blacklists, or for the purpose of procuring and causing the discharge of any employe or employes by any means whatsoever.

Unlawful.

SEC. 2. No company, corporation or partnership in this state shall authorize, permit or allow any of its or their agents to nor shall any of its or their agents blacklist any discharged employe or employes, or by word or writing seek to prevent hinder or restrain such discharged employe or any employe who may have voluntarily left such company's or person's service from obtaining employment from any other person or company.

Same.

SEC. 3. No person or persons, employer or employers of labor, and no agent or agents, or officer or officers, employe or employes of any corporation or corporations, on behalf of such corporation or corporations, shall require, coerce or compel, demand or influence, any person or persons, employe or employes, laborer, or mechanic to enter into an agreement, either written or verbal, from such person or persons, employe, laborer or mechanic nor to join or become or remain a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such person or persons, employer or employers, corporation or corporations.

Shall not require renunciation of union.

Penalty.

SEC. 4. Any person or persons, employer or employers of labor, and any agents, representatives or employes of any person or persons, employer or employers, who shall be guilty of any violation of the provisions of any preceding section of this act, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding one hundred (100) dollars or imprisonment in the county jail for a period of not more than ninety (90) days.

Duty of county attorney.

SEC. 5. It shall be the duty of the county attorney of any county in which a civil action in the name of the state of Minnesota shall be brought in accordance with the provisions of this act, to begin and prosecute all such suits to a termination whenever information is given him by any person that any employer or employers or corporation; or his or its officers, agents or employes have violated any of the provisions of this act.

Duty of labor commissioner.

SEC. 6. It shall be the duty of the commissioner of labor to see that all the conditions of this act are enforced.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 712.

CHAPTER 175

95 c 175
91-NW 286
92-NW 472

An act to revise and codify the insurance laws of the state.

95 c 175
99-M - 176
108-NW 861
99-M - 190
108-NW 871

Be it enacted by the Legislature of the State of Minnesota.

Act—how cited. Definitions.

SECTION 1. This act may be cited as the Minnesota insurance act of eighteen hundred and ninety-five. When consistent with the context and not obviously used in a different sense, the term "company" or "insurance company," as used herein, includes all corporations, associations, partnerships or individuals engaged as principals in the business of insurance; the word "domestic" designates those companies incorporated or formed in this state, and the word "foreign," when used without limitation, includes all those formed by authority of any other state or government; the terms "unearned premiums" and reinsurance reserve, and "net value of policies" or "premium reserve," severally intend the liability of an insurance company upon its insurance contracts, other than ac-

95 C 175
01 - 70
01 - 143
01 - 145
01 - 166
01 - 178
72-M - 389
77-M - 31
77-M - 474
78-M - 285
78-M - 311
79-M - 52
79-M - 338

crued claims, computed by rules of valuation, established by section 11; by the term "net assets" is meant the funds of an insurance company available for the payment of its obligations in Minnesota, including, in case of a mutual fire company, its deposit notes, or other contingent funds, and in case of a mutual marine, or mutual fire and marine company, its subscription funds and premium notes absolutely due, and also including uncollected and deferred premiums not more than three months due, on policies actually in force, after deducting from such funds all unpaid losses and claims, and claims for losses, and all other debts and liabilities, inclusive of policy liability and exclusive of capital; the "profits" of a mutual insurance company are that portion of its cash funds not required for payment of losses and expenses, and set apart for any purpose required by law.

What companies affected.

SEC. 2. All insurance companies hereafter incorporated, or formed by authority of any general or special law of this state, except town insurance companies now or hereafter formed under chapter eighty-three of the general laws of one thousand eight hundred and seventy-five and acts amendatory thereof, and corporations engaged in the transaction of life and casualty insurance upon the assessment plan under laws of this state, may exercise the powers and shall be subject to the duties and liabilities provided by this act.

And the legislature may, for any cause, it being sufficient, annul or dissolve any such corporation, or revoke its charter, and may amend or repeal the laws affecting the powers and obligations of such corporations.

95 c 175 § 3
111-NW 396

Contract of insurance—definition.

SEC. 3. A contract of insurance is an agreement by which one party for a consideration promises to pay money or its equivalent, or to do some act of value to the assured upon the destruction or injury of something in which the other party has an interest, and it shall be unlawful for any company to make any contract of insurance upon or concerning any property or interest or lives in this state, or with any resident thereof, or for any person as insurance agent, or insurance broker, to make, negotiate, solicit, or in any manner aid in a transaction of such insurance, unless and except as authorized under the provisions of this act.

Life and casualty companies.

Provided, that nothing herein shall effect the rights or powers of corporations engaged in the transaction of life and casualty insurance upon the assessment plan under the laws of this state nor of title insurance save as otherwise herein provided. All contracts of insurance on property, lives or interests in this state shall be deemed to be made in this state.

Insurance commissioner.

SEC. 4. The department of insurance shall remain as now established. Its chief officer, appointed by the governor, with the advice and consent of the senate, shall be styled the insurance commissioner for the state, and shall hold his office for the term of two years from the date of his commission and until his successor is appointed and qualified. His term of office shall commence on the first Monday in January. He shall give bonds with sureties in the sum of twenty-five thousand dollars, to be approved by the treasurer of the state, for the faithful discharge of his duties, and shall receive in full compensation for his services an annual salary of two thousand five hundred dollars.

Term—bond—salary.

Duties and powers.

SEC. 5. The commissioner shall exercise the powers and perform the duties conferred and imposed upon him by this act, or by any other law of the state. He may appoint a deputy commissioner to assist him in his duties, who shall receive an annual salary of eighteen hundred dollars. In the event of a vacancy in the office of commissioner, or during the absence or disability of that officer, the deputy commissioner shall perform the duties of the office. The commissioner may employ in his department a clerk, with an annual salary of seven hundred and twenty dollars, and such additional clerks and assistants as the public business in his charge may require, at an expense not to exceed four hundred and eighty dollars per annum.

Deputy—salary.

Clerks—salaries.

Duties—inspection.

SEC. 6. Before granting certificates of authority to an insurance company to issue policies or make contracts of insurance, he shall be satisfied by such examination and evidence as he sees fit to make and require, that such company is otherwise duly qualified under the law of the state to transact business therein. As often as once in two years he shall, personally or by his deputy or chief clerk, visit each domestic insurance company and thoroughly inspect and examine its affairs, especially as to its financial condition and ability to fulfill its obligations, and whether it has complied with the laws. He shall also make an examination of any such company upon the request of the stockholders, creditors, policyholders or persons pecuniarily interested therein, who shall make affidavit of their belief, with specifications of their reasons thereof, that such company is in an unsound condition. Whenever he deems it prudent for the protection of policyholders in this state, he shall in like manner visit and examine, or cause to be visited and examined by some competent person or persons he may appoint for that purpose, any foreign insurance company applying for admission or already admitted to do business by agencies in this state, and

such company shall pay the proper charges incurred in such examination, including the expenses of the commissioner or his deputy, and the expenses and compensation of his assistants employed therein. For the purpose aforesaid the commissioner, or his deputy, or person making the examination, shall have free access to all the books and papers of an insurance company that relate to its business and to the books and papers kept by any of its agents, and may summon and qualify as witnesses under oath and examine the directors, officers, agents and trustees of any such company and any other persons, in relation to its affairs, transactions and conditions.

To revoke certificate of unsound companies.

SEC. 7. If he is of the opinion upon examination or other evidence, that a foreign insurance company is in an unsound condition, or if a life insurance company, that its actual funds are less than its liabilities; or that it is insolvent, or if a foreign insurance company has failed to comply with the law, or if it is, its officers, or agents refuse to submit to examination, or to perform any legal obligation in relation thereto, he shall revoke or suspend all certificates of authority granted to it or its agents, and shall cause notifications thereof to be published in a newspaper authorized by this act to publish annual statements of insurance companies, and no new business shall thereafter be done by it or its agents in this state while such default or disability continues, nor until its authority to do business is restored by the commissioner; *provided*, however, that unless the ground for revocation or suspension relates only to the financial condition or soundness of the company or to a deficiency in its assets, he shall notify the company not less than ten days before revoking its authority to do business in this state; and he shall specify in the notice the particulars of the supposed violation. The district court of any county, upon petition of said company, brought within the ten days aforesaid, shall summarily hear and determine the question whether such violation has been committed, and shall make any proper order or decree therein and enforce the same by any appropriate process. If the order or decree is adverse to the petitioning company, an appeal therefrom may be taken to the supreme court; and in the case of such appeal the commissioner may issue his order revoking the right of said petitioning company to do business in this state until the final determination of the question by the supreme court aforesaid. Neither this act nor any proceedings thereunder shall affect any criminal prosecution or proceeding for the enforcement of any fine, penalty or forfeiture. If, upon examination,

Hearing by district court—appeal.

Unsound domestic companies—injunction.

he is of the opinion that any domestic insurance company is insolvent, or has exceeded its powers or has failed to comply with any provisions of law, or that its condition is such as to render its further proceedings hazardous to the public or to its policyholders, he shall apply to a judge of any district court to issue an injunction, restraining it in whole or in part from further proceeding with its business. Such judge may, in his discretion, issue the injunction forthwith or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual, and make all orders and decrees needful in the premises and may appoint agents or receivers to take possession of the property and effects of the company, and to settle its affairs subject to such rules and orders as the court may from time to time prescribe, according to the course of proceedings in equity. Service of process in such proceedings shall be sufficient if made upon any person authorized by such company to write policies or accept premiums.

Impaired capital.

SEC. 8. Whenever it appears to him that the capital of a domestic insurance company, other than life insurance, is unpaid to the extent of one-fourth or more, on the basis fixed in section eleven, he shall notify the company that its capital is legally subject to be made good in the mode provided by section thirty-five, and if such company shall not within three months after such notice satisfy him that it has fully repaired its capital, or reduced its capital as provided in section thirty-seven, he shall institute proceedings against it in accordance with the preceding section.

Life insurance companies—impairment.

SEC. 9. When the actual funds of a domestic life insurance company are not of a net cash value equal to its liabilities, including the net value of its policies computed by the rule of valuation established by section eleven, he shall notify such company and its agents to issue no new policies until its funds become equal to its liabilities.

Violation of this act.

SEC. 10. If upon examination or other evidence exhibited to him he is of the opinion that any insurance company, or an officer or agent thereof, has violated any provisions of this act, he shall report the facts to the attorney general, who shall cause such company, officer or agent to be prosecuted therefor.

American experience table of mortality.

SEC. 11. He shall each year compute the net value on the thirty-first day of December of the preceding year of all outstanding policies of life insurance in companies authorized to make insurance on lives in this state upon the basis of the American Experience Table of Mortality, with the interest at four and one-half per cent per

annum, and the aggregate net value, so ascertained, of the policies of any such company shall be deemed its liability on account of its policy obligations, other than accrued claims, to provide for which it shall hold funds in secure investments of an amount equal to such net value above all its other liabilities. When the actual premium charged by a company for an insurance is less than the net premium for such insurance, computed according to the table of mortality and the rate of interest aforesaid, then and in every such case the company shall be charged as a separate liability with the value of an annuity, the amount of which shall equal the difference between the premium aforesaid, and the term of which in years shall equal the number of future annual payments due on said insurance at the date of the valuation.

Provided, however, he may accept the valuations made by the insurance commissioner of the state under whose authority a life insurance company was organized, when such valuations have been made on sound and recognized principles and legal basis, or its equivalent, as above;

Provided the company shall furnish to the insurance commissioner of this state, a certificate from the insurance commissioner of such state, setting forth the value calculated, on the date designated above, of all the policies in force in the company on the previous thirty-first day of December. Every life insurance company doing business in this state during the year for which the statement is made that fails to promptly furnish the certificate aforesaid shall be required to make full detailed lists of policies and securities to the insurance commissioner of this state, and shall be liable for all charges and expenses consequent upon not having furnished such certificate.

Companies other than life, credit and real estate title—reserve.

To determine the liability of its contracts of insurance of an insurance company, other than life, credit and real estate title insurance, and thence the amount such company shall hold as a reserve for a reinsurance, he may take fifty per cent, or the actual unearned portion of the premiums written in its policies; but in respect to inland and marine risks he shall compute the liability thereon by charging sixty per cent of the amount of premiums written in its policies upon yearly risks and upon risks covering more than one passage not terminated, and the full amount of premiums written in policies upon all other inland and marine risks not terminated; *provided*, that in case of fire and marine insurance companies with less than two hundred thousand dollars capital admitted to transact fire insurance only

in this state, the full amount of premiums writte
their marine and inland navigation and transport
insurance policies shall be charged as liability. In
uing the assets, except cash on hand, which comp
the legal reserve of a life insurance company, the
estate, the bonds and stocks shall be taken at suc
value that the average annual income thereof shall
not less than three per cent of the valuation; and if
asset or investment is conditioned upon a rate of in
est of less than three per cent annually, such asse
investment shall be rated at its value, considering
actual income and time it has to run, as the equival
of a three per cent investment; loans and credits sh
not be allowed for more than their face value,
shall any asset or investment be appraised for m
than its market value. He shall allow to the credit
an insurance company in the account of its financ
condition only such assets as are available for the p

Unsecured stockholders, notes barred.

ment of losses in Minnesota, but may credit any dep
its or funds of the company set apart as security fo
particular liability in set-off to the amount charged
account of such liability. He shall not allow stockh
ers' obligations of any description as part of the ass
or capital of any stock insurance company unless
same are secured by competent collateral, or mortga
on real estate.

Increasing or reducing capital—certificate.

SEC. 12. He shall upon application, examine
proceedings of domestic companies to increase or red
their capital stock, and when found conformable to l
shall endorse certificates thereof, and shall issue cer
cates of authority to such companies to transact b
iness upon such increased or reduced capital.

Examine accounts of receivers.

SEC. 13. He or his deputy shall annually, and ofte
if there seems occasion, examine the accounts and tra
actions of all receivers or assignees of insolvent ins
ance companies; and shall also carefully examine
accounts of such receivers or assignees referred to h
under the provisions of section ninety-four and m
report thereof to the court. For the above purpose
or his deputy shall have free access to the official bo
and papers of such receivers or assignees relative
their transactions, and may examine such receivers
assignees under oath as to all matters connected th

Receivers—violation of duty.

with. Whenever in his opinion any receiver or assig
has violated his duty in office, or further proceedi
by receivers or assignees to collect an assessment
not offer substantial relief to creditors, the comm
sioner shall certify the facts to the court having ju
diction of the proceedings.

Foreign companies—service of process.

SEC. 14. When legal process is served upon him as attorney for a foreign company under the provisions of this act, the same shall be by duplicate copies, one of which shall be filed in the office of said commissioner, and the other by him immediately mailed postage prepaid, to home office of the company, or to the address of the authorized resident attorney in this state, as the company may designate in such stipulation.

Fees.

SEC. 15. He shall collect and pay into the treasury charges as follows: For filing copy of charter or articles of incorporation of any foreign insurance company, twenty-five dollars, and for filing statement with application for admission and for each annual statement twenty dollars, for each license to procure fire insurance in unauthorized foreign companies, ten dollars annually. For each certificate of renewal thereof to an insurance agent, one dollar. For each certificate of the valuation of the policies of any life insurance company, and for each certificate of the examination, condition or qualification of an insurance company, one dollar; for each copy of any paper on file in his office, twenty cents a folio, and one dollar for certifying the same; and all other fees and charges due and payable into the treasury for any official act or service of the commissioner.

With application for admission and for each annual statement.

Records—reports.

SEC. 16. He shall keep and preserve in a permanent form a record of his proceedings, including a concise statement of the result of official examinations of insurance companies. He shall annually, and as early as consistent with full and accurate preparation, make a report to the governor of his official transaction, and shall include in such report a statement of the receipts and expenditures of his department for the preceding year; a report of the conditions of the receivership of insolvent companies; an exhibit of the financial condition and business transaction of the several insurance companies as disclosed by official examinations of the same or by their annual statements, abstract of which statement, together with valuation of life policies, shall appear therein, and such other information and comments in relation to insurance and the public interest t rein, as he deems fit to communicate.

Name of company to head policy.

EC. 17. Every insurance company, foreign or domest- , shall conduct its business in this state in its own c rporate name, and the policies and contracts of insura ce issued by it shall be headed, or entitled, only by its p per or corporate name. When any such company p blishes its assets, it shall in the same connection a l with equal conspicuousness publish its liabilities c nputed on the basis allowed for its annual state-

Assets—liabilities—capital—publication.

in this state, the full amount of premiums written in their marine and inland navigation and transportion insurance policies shall be charged as liability. In valuing the assets, except cash on hand, which compose the legal reserve of a life insurance company, the real estate, the bonds and stocks shall be taken at such a value that the average annual income thereof shall be not less than three per cent of the valuation; and if any asset or investment is conditioned upon a rate of interest of less than three per cent annually, such asset or investment shall be rated at its value, considering the actual income and time it has to run, as the equivalent of a three per cent investment; loans and credits shall not be allowed for more than their face value, nor shall any asset or investment be appraised for more than its market value. He shall allow to the credit of an insurance company in the account of its financial condition only such assets as are available for the payment of losses in Minnesota, but may credit any deposits or funds of the company set apart as security for a particular liability in set-off to the amount charged on account of such liability. He shall not allow stockholders' obligations of any description as part of the assets or capital of any stock insurance company unless the same are secured by competent collateral, or mortgages on real estate.

Unsecured stockholders, notes barred.

Increasing or reducing capital—certificate.

SEC. 12. He shall upon application, examine the proceedings of domestic companies to increase or reduce their capital stock, and when found conformable to law shall endorse certificates thereof, and shall issue certificates of authority to such companies to transact business upon such increased or reduced capital.

Examine accounts of receivers.

SEC. 13. He or his deputy shall annually, and oftener if there seems occasion, examine the accounts and transactions of all receivers or assignees of insolvent insurance companies; and shall also carefully examine all accounts of such receivers or assignees referred to him under the provisions of section ninety-four and make report thereof to the court. For the above purpose he or his deputy shall have free access to the official books and papers of such receivers or assignees relative to their transactions, and may examine such receivers or assignees under oath as to all matters connected therewith. Whenever in his opinion any receiver or assignee has violated his duty in office, or further proceedings by receivers or assignees to collect an assessment will not offer substantial relief to creditors, the commissioner shall certify the facts to the court having jurisdiction of the proceedings.

Receivers—violation of duty.

Foreign companies—service of process.

SEC. 14. When legal process is served upon him as attorney for a foreign company under the provisions of this act, the same shall be by duplicate copies, one of which shall be filed in the office of said commissioner, and the other by him immediately mailed postage prepaid, to home office of the company, or to the address of the authorized resident attorney in this state, as the company may designate in such stipulation.

Fees.

SEC. 15. He shall collect and pay into the treasury charges as follows: For filing copy of charter or articles of incorporation of any foreign insurance company, twenty-five dollars, and for filing statement with application for admission and for each annual statement twenty dollars, for each license to procure fire insurance in unauthorized foreign companies, ten dollars annually. For each certificate of renewal thereof to an insurance agent, one dollar. For each certificate of the valuation of the policies of any life insurance company, and for each certificate of the examination, condition or qualification of an insurance company, one dollar; for each copy of any paper on file in his office, twenty cents a folio, and one dollar for certifying the same; and all other fees and charges due and payable into the treasury for any official act or service of the commissioner.

With application for admission and for each annual statement.

Records—reports.

SEC. 16. He shall keep and preserve in a permanent form a record of his proceedings, including a concise statement of the result of official examinations of insurance companies. He shall annually, and as early as consistent with full and accurate preparation, make a report to the governor of his official transaction, and shall include in such report a statement of the receipts and expenditures of his department for the preceding year; a report of the conditions of the receivership of insolvent companies; an exhibit of the financial condition and business transaction of the several insurance companies as disclosed by official examinations of the same or by their annual statements, abstract of which statement, together with valuation of life policies, shall appear therein, and such other information and comments in relation to insurance and the public interest therein, as he deems fit to communicate.

Name of company to head policy.

SEC. 17. Every insurance company, foreign or domestic, shall conduct its business in this state in its own corporate name, and the policies and contracts of insurance issued by it shall be headed, or entitled, only by its proper or corporate name. When any such company publishes its assets, it shall in the same connection and with equal conspicuousness publish its liabilities computed on the basis allowed for its annual state-

Assets—liabilities—capital—publication.

ments, and any publication purporting to show its capital, shall exhibit only the amount of such capital as has been actually paid in cash.

Taxation.

SEC. 18. Every such company, domestic or foreign, shall be liable to taxation as provided by this act, and it shall, by its proper officers, make to the insurance commissioner or other officer of this state such returns and statements of its business and affairs as the law may require for the purpose of assessment of such taxes, and thereupon its officers and agents may be examined under oath by the officer to whom such returns are to be made.

Report of reinsurance.

SEC. 19. If any company other than life, authorized to transact the business of insurance in this state, shall directly or indirectly contract for or effect any reinsurance of any risks or part thereof taken by it, it shall make a sworn report thereof to the insurance commissioner at the time of filing its annual statement, or at such other time as he may request, and such reinsurance, except so far as it is in companies authorized to do business in this state, shall not reduce the taxes to be paid by it. No fire insurance company shall insure in a single risk a larger sum than one-tenth of its net assets.

Fire insurance —single risk.

Misrepresentation by applicant.

SEC. 20. No oral or written misrepresentation made in the negotiation of a contract or policy of insurance, by the assured or in his behalf, shall be deemed material or defeat or avoid the policy or prevent its attaching, unless such misrepresentation is made with actual intent to deceive and defraud, or unless the matter misrepresented increase the risk of loss.

General laws of corporations applies.

SEC. 21. The general provisions of law relative to the powers, duties and liabilities of corporations or their agents shall apply to all incorporated insurance companies as far as the provisions are pertinent and not in conflict with the provisions of law relative to such companies or with their charters. All insurance companies of this state may be governed by this chapter, anything in their special charters to the contrary notwithstanding; providing notice of the acceptance of said act is filed with the insurance commissioner.

Expired charters.

SEC. 22. Domestic insurance companies incorporated by special acts whose charters are subject to a limitation of time shall after such limitation expires continue to be bodies corporate, subject to all general laws applicable to such companies.

No policies to be issued until authorized.

SEC. 23. No domestic insurance company shall issue policies until upon examination by the commissioner or his deputy, it is found to have complied with the laws of the state, nor until it has obtained from the commis-

sioner a certificate setting forth that fact and authorizing it to issue policies.

By-laws of companies.

SEC. 24. Any such company may adopt by-laws for the conduct of its business not repugnant to law nor to its charter, and therein may provide for the division of its board of directors into two, three or four classes, and the election thereof at its annual meetings in such manner as that the members of one class only shall retire and their successors be chosen each year. Vacancies in any such class may be filled by election by the board for the unexpired term. The secretary and treasurer shall severally give bonds with sureties in such sum as the directors may require for the faithful performance of their respective duties. All matters proposed to be acted upon at any meeting of the company shall be specified in the call for the same. All investments of the funds of the company shall be made in its corporate name, and no officer of the company and no member of the committee thereof charged with the duty of investing its funds shall borrow the same or be directly or indirectly liable for or on account of loans thereof to others, nor shall any director or other officer take or receive to his own use any fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such company. All policies issued by such company shall be signed by its secretary, or, in his absence, by a secretary pro tempore, and by its president, or vice-president, or, in their absence, by two directors. Such companies shall have their office in the city or town specified in their charter; and when they establish agencies in other cities or towns, all signs, cards, pamphlets and advertisements exhibited or issued by them shall specify the city or town where the company they represent is located. They shall not deal or trade in buying or selling goods, wares or merchandise, except articles insured by them on which losses are claimed, and except in replacing, rebuilding or repairing insured property as provided in their policies, nor engage in any business other than as specified in their charters and articles of incorporation and expressly authorized by law. Any such company may acquire and hold real estate for the convenience, accomodation of its business at a cost not exceeding twenty-five per cent of its cash assets, and not otherwise, but may hold real estate acquired under the conditions of any mortgage owned by it, or by purchase, or set-off on execution, upon judgment for debts due it in the course of its legitimate business.

Secretary and treasurer to give bonds.

Special meetings.

Investment of funds.

Policies—how signed.

Place of business.

May hold real estate—when.

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SEC. 25. No fire or fire and marine insurance company shall make any conditions or stipulation in its

No jurisdictional limitation.

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Limitation of action.

insurance contracts concerning the court or jurisdiction wherein any suit thereon may be brought, nor shall limit the time within which such suit may be commenced to less than one year after the cause of action accrues. Any provision, contract or stipulation contained in any contract or policy of insurance issued or made by any fire insurance company, association, syndicate or corporation, insuring any property within this state, except risks equipped by automatic sprinklers, whereby it is provided or stipulated that the assured shall maintain insurance on any property covered by the policy to the extent of eighty per cent on the value thereof, or to any extent whatever, and any provision or stipulation in any such contract or policy of insurance, that the insured shall be an insurer of the property insured to any extent, and any provision or stipulation in any such contract or policy to the effect that the insured shall bear any portion of the loss on the property insured are hereby declared to be null and void, and the liability of the company, syndicate, association or corporation issuing the policy shall be the same as if no such agreement, stipulation or contract were contained in such policy nor shall any such insurance company insert any condition, stipulation or agreement in any policy of insurance requiring a certificate from any notary public, justice of the peace, or other magistrate or person, as to anything whatever connected with such insurance or loss, and any such condition or stipulation shall be void. Any person, company or association hereafter insuring any building or structure against loss or damage by fire, lightning or other hazard by a renewal of a policy heretofore issued or otherwise, shall cause such building or structure to be examined by the insurer or his agent, and a full description thereof to be made, and the insurable value thereof to be fixed by the insurer or his agent, the amount of which shall be stated in the policy of insurance. In the absence of any change increasing the risk, without the consent of the insurer, and in the absence of intentional fraud on the part of the insured, in case of total loss the whole amount mentioned in the policy or renewal upon which the insurer receives a premium shall be paid; and in case of a partial loss the full amount of the partial loss shall be paid, and in case there are two or more policies upon the property, each policy shall contribute to the payment of the whole or the partial loss in proportion to the amount of insurance mentioned in each policy, but in no case shall the insurer be required to pay more than the amount mentioned in the policy; *provided*, that, in the absence of fraud, the burden of proof to show

Void provisions.

Liquidated loss.

Increase of risk—burden of proof.

an increase of risk by reason of any change in the ownership or condition of the structure or building upon which insurance is effected, either before or after loss arises, shall be upon the insurer; any thing in the application or the policy of insurance to the contrary notwithstanding. And any person who solicits insurance and procures the application therefor shall be held to be the agent of the party thereafter issuing the policy upon such application, or a renewal thereof, anything in the application or policy to the contrary notwithstanding.

Agent—who is.

SEC. 26. If any domestic insurance company shall not commence to issue policies within one year after the date of its act of incorporation or of its certificate of organization, its corporate power shall expire by their own limitation, and any judge of the district court, upon petition of the insurance commissioner, or of any person interested, may fix by decree the time within which it shall settle and close its concerns.

Shall commence to issue policies within one year.

SEC. 27. Insurance companies may be formed as provided in section twenty-eight, for any one of the following purposes to-wit:

Kinds of insurance companies.
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First—To insure against lost or damage to property by fire, lightning, hail or tempest on land, upon the stock or mutual plan.

Second—To make insurance upon the lives of individuals and every insurance appertaining thereto or connected therewith, and to grant, purchase or dispose of annuities and endowments of any kind. *Provided*, no company transacting the business of life insurance in this state shall be permitted to take any other kinds or risks except those connected with or appertaining to making insurance on life, or against accident to persons, and the granting, purchasing and disposing of annuities and endowments.

Third—To insure upon the stock or mutual plan vessels, freights, goods, money, effects, and money lent on bottomry or respondentia, against the perils of the sea, and other perils usually insured against by marine insurance, including risks of inland navigation and transportation.

Fourth—To guarantee the fidelity of persons in positions of trust, private or public, and to act as surety on official bonds and for the performance of other obligations.

Fifth—To insure against loss or damage to the property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers.

Sixth—To insure any person against bodily injury or death by accident, or any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said person, firm or corporation is responsible.

Seventh—To insure against the breakage of plate glass, local or transit.

Method of incorporation and organization.

SEC. 28. The procedure for organizing such a corporation shall be as follows:

The proposed corporators, who must be residents of this state, and not less than ten, shall subscribe articles of association, setting forth their intention to form a corporation; its proposed name, which must not so closely resemble the name of an existing corporation as to be likely to mislead the public, and must be approved by the insurance commissioner; the class of insurance it proposes to transact and on what business plan or principle; the place within this state of its location; and, if on the stock plan, the amount of its capital stock. The words "insurance company" must be a part of the title of any such corporation, and also the word "mutual" if it is organized upon the mutual principle. The first meeting for the purpose of organization shall be called by a notice, signed by one or more of the subscribers to the articles of association, stating the time, place and purpose of the meeting; a copy whereof shall, at least before the appointed time, be given to each subscriber or left at his usual place of business or residence or duly mailed to his postoffice address, and whoever gives such notice shall make affidavit thereof, which shall include a copy of the notice and be entered upon the records of the corporation. At such first meeting including any adjournment thereof, an organization shall be effected by the choice, by ballot, of a temporary clerk, who shall be sworn, by the adoption of by-laws and by the election of directors and such other officers as the by-laws may require; but at such first meeting no person shall be elected director who has not signed the articles of association. The temporary clerk shall record the proceedings until and including the choice and qualification of the secretary.

The directors so chosen shall elect a president, secretary and such other officers which under the by-laws they are authorized to choose. The president, secretary and a majority of the directors shall forthwith make, sign and swear to a certificate setting forth a copy of the articles of association, with the names of the subscribers thereto, the date of the first meeting and of any adjournment thereof; and shall submit such certificate and the records of the corporation to the insurance

commissioner, who shall examine the same, and who may require such other evidence as he may judge necessary. The commissioner, if it appears that the requirements of the law as herein set forth have been complied with, shall cause such articles of incorporation to be recorded in a book kept in his office, and shall thereupon issue to such company his certificate of authority, authorizing them to do the business mentioned in their articles of incorporation in this state. The insurance commissioner shall sign said certificate and cause the seal of his office to be thereto affixed. He shall also keep a copy of such certificate; and a certified copy of the same may be given in evidence with the like effect as the original certificate.

Limited by charter.

SEC. 29. No corporation so formed shall transact any other business than that specified in its charter and articles of association. Companies who insure plate glass may organize with a capital of not less than one hundred thousand dollars. Companies so formed insuring marine inland risks upon the stock plan shall have a capital of not less than two hundred thousand dollars. Companies so formed for the transaction of fire insurance on the stock plan, or fidelity insurance, or accident insurance, or of steam boiler insurance, shall have a capital of not less than one hundred thousand dollars. Companies to insure lives on the stock plan shall have a capital of not less than one hundred thousand dollars.

Capital necessary.

Board of directors.

SEC. 30. The board of directors of each domestic stock insurance company shall consist of not less than five members, chosen by ballot from stockholders resident in this state who shall hold office for one year, or for the term provided in its by-laws as authorized by section twenty-four, and until their successors are qualified. In the choice of directors and at all meetings of the company each stockholder shall be entitled to one vote for each share he holds. Proxies may be authorized by written power of attorney. The record of the votes made by the secretary or clerk, which shall show whether the same were cast in person or by proxy, shall be evidence of all such elections. The directors, before they are qualified to act, shall file with the secretary a written acceptance of the trust. Not less than four shall constitute a quorum, and a majority of those in attendance may transact business; vacancies in any office may be filled by the directors or by the stockholders, as the by-laws shall provide. The directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, and such other officers as the by-laws provide. They may call special meetings of the stockholders whenever they deem proper, and

Proxies.

Election of officers.

shall call such meeting on the written application of the owners of one-fifth part of the capital, or of twenty shareholders, setting forth the purposes of the same.

Reports.

They shall at each annual meeting of the company submit a full statement of the transactions of the company during the previous year and of its financial condition. The president and secretary, and vice-president, if there be one, shall annually be sworn and their oaths entered of record in the company's books. The president, or in his absence, the vice-president, if there be one, shall preside at all meetings of the directors or stockholders. In the absence of the president and vice-president a president pro tempore may be chosen. The secretary shall keep a record of the votes and proceedings of all meetings of directors and of the stockholders, a list of the stockholders and the number of shares standing in the name of each; a record of all transfers of shares and of all policies issued and all authorized assignments, cancellations and transfers thereof, and such additional books as the president and directors require. The records so kept shall be evidence of the transactions to which they relate and open to the inspection of any person interested therein, and for making any willfully false record the secretary shall be deemed guilty of the crime of perjury.

Duties of officers.

Liability of officers.

SEC. 31. The directors or other officers making or authorizing an investment or loan in violation of section 32 shall be personally liable to all stockholders for any loss occasioned thereby. If a company is under liability for losses equal to its net assets, and the president and directors knowing it assent to further insurance, they shall be personally liable for any loss under such insurance. If the directors allow to be insured on a single risk a larger sum than the law permits, they shall be personally liable for any loss thereon above the amount they might lawfully insure.

Capital to be paid in cash.

SEC. 32. The capital stock shall be paid in cash within six months from the date of charter or certificate of organization, and no certificates of full shares and no policies shall be issued until the whole capital stock is paid in. A majority of the directors shall certify on oath that the money has been paid by the stockholders for their respective shares, and the same is held as the capital of the company, invested or to be invested as required by this section. The capital stock and accumulations of any insurance company of this state shall be invested in the bonds or treasury notes of the United States, or national bank stock, or interest-bearing bonds of this state or any other state of the United States, or of any city, town or county of

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this state or any other state of the United States, having legal authority to issue the same, at their market value, or in any interst or dividend-paying stocks or bonds issued under the laws of this state or any other state of the United States, at their known market value, or they may be invested or loaned on mortgages of unincumbered real estate in this or any other state of the United States, worth at least twice the amount loaned thereon, exclusive of buildings, except when such buildings are insured and the policies duly assigned as as additional securety; or loaned on pledges of any of the securities named in this section; *provided*, always, that the current market value of such pledged securities shall be at all times, during the continuance of such loans, at least twenty per cent more than the sum loaned on them, and all such loans are subject to the power of the company to terminate same in case of depreciation of the securities below the limit; and *provided*, that in all investments made upon mortgaged securities the evidence of the debt shall accompany the mortgage or deed of trust. Capital and accumulations—how invested.

SEC. 33. When the net assets of a company other than life do not amount to more than three-fourths of its original capital, it may make good its capital to the original amount by assessment of its stock. Shares on which such an assessment is not paid within sixty days after demand shall be forfeitable and may be canceled by a vote of the directors and new shares issued to make up the deficiency. If such company shall not within three months after notice from the insurance commissioner to that effect make good its capital as aforesaid or reduce the same, as allowed by section thirty-five, its authority to transact new business of insurance shall cease. Assets—assessments.

SEC. 34. When the capital stock of any such company is impaired, such company may, upon a vote of of the majority of the stock represented at a meeting legally called for that purpose, reduce its capital stock and the number of shares thereof to an amount not less than the minimum sum required by law. But no part of its assets and property shall be distributed to the stockholders. Within ten days after such meeting the company shall submit to the insurance commissioner a certificate setting forth the proceedings thereof and the amount of such reduction, and the assets and liabilities of the company, signed and sworn to by its president, secretary and a majority of its directors. The commissioner shall examine the facts in the case, and if the same conform to law and in his judgment, the proposed reduction may be made without prejudice to the public, he Reduction of capital.

Report of reduction.

shall endorse his approval upon the certificate. Upon filing the certificate, so endorsed, with the secretary of this state and paying a fee of five dollars for the filing thereof, the company may transact business upon the basis of such reduced capital as though the same were its original capital, and its charter shall be deemed to be amended to conform thereto; and the insurance commissioner shall issue his certificate to that effect. Such company may, by a majority vote of its directors, after such reduction, require the return of the original certificate of stock held by each stockholder in exchange for new certificates it may issue in lieu thereof, for such number of shares as each stockholder is entitled to in the proportion that the reduced capital bears to the original capital.

Exchange of certificates of stock.

Dividends.

SEC. 35. No domestic stock company shall make a dividend, either in cash or stock certificates, except from its actual net surplus, computed as required by law in its annual statement; nor shall any such company which has ceased to do new business of insurance divide any portion of its assets except surplus to its stockholders until it shall have performed or canceled its policy obligations. Any such company may declare and pay, annually or semi-annually, from its surplus, cash dividends to its stockholders of not more than ten per cent of its capital stock in a year; and if the dividends in any year are less than ten per cent, the difference may be made up in any subsequent year or years from surplus accumulations; *provided*, however, that any such company may pay such dividend as the directors may deem prudent out of any surplus that shall remain after charging to all its liabilities, except unearned premiums, as required by law, such a sum as the insurance commissioner shall deem sufficient to properly protect policyholders in addition to the unearned premium reserve herein required to be maintained equal to the whole amount of premiums on unexpired risks, and deducting from the assets all securities and book accounts on which no part of the principal or interest has been paid within the last year, and for which foreclosure or suit has been commenced for collection, or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid, and also deducting all interests due and unpaid upon any property of the company,

Mutual Fire Ins. Co's.

SEC. 36. No policy shall be issued by a purely mutual fire insurance company hereafter organized until not less than seven hundred and fifty thousand dollars of insurance, in not less than three hundred separate risks upon property located in Minnesota, has been sub-

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scribed for and entered on its books. No officer or other person whose duty it is to determine the character of the risks, and upon whose decision the applications shall be accepted or rejected by a mutual fire insurance company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share of the net profits as the directors may determine. Nor shall such officer or person aforesaid be an employe of any officer or agent of the company. The provisions of section thirty-six do not apply to township mutual fire insurance companies.

Except township Mutual Fire Ins. Co's.

SEC. 37. Every person insured by a mutual fire insurance company shall be a member while his policy is in force, entitled to one vote for each policy he holds, and shall be notified of the time and place of holding its meetings by a written notice or by an imprint upon the back of each policy, receipt or certificate of renewal, as follows, to-wit:

Membership.

"The assured is hereby notified that by virtue of his policy he is a member of the.....insurance company, and that the annual meetings of said company are holden at its home office on the.....day of.....in each year, at.....o'clock."

Notice of meetings.

The blanks shall be duly filled in print, and the same shall be deemed a sufficient notice.

A corporation which becomes a member of such company may authorize any person to represent it in such company, and such representative shall have all the rights of an individual member. Any person holding property in trust may insure the same in such company, and as such trustee assume the liabilities and be entitled to the rights of a member, but shall not be personally liable upon any contract of insurance. Members may vote by proxies, dated and executed within three months, and returned and recorded in the books of the company three days or more before the meeting at which they are to be used. Every such company shall elect by ballot a board of not less than five directors, who shall manage and conduct its business, and who shall hold office for one year, or for such term as the by-laws may provide in accordance with section twenty-four, and until their successors are qualified. Two-thirds, at least, of the directors shall be citizens of this state, and after the first election members only shall be eligible, but no director shall be disqualified from serving the term he was chosen for by reason of the expiration or cancellation of his policy; *provided*, that in companies with a guaranty capital one-half of the directors shall be chosen by and from the stockholders.

Proxies.

Directors—election.

Quorum.

Five or more of the directors shall constitute a quorum for the transaction of business by the vote of a majority of those in attendance.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

Election of officers.

SEC. 38. The directors shall annually choose by ballot a president, who shall be a member of the board; a secretary; a treasurer, who may also be either the president or secretary, and such other officers as the by-laws provide.

They may call special meetings of the members of the corporation whenever they see fit, of which each member shall have such notice as the by-laws provide, and shall call such meetings upon the written request of twenty members or of the owners of one-fifth of the guaranty capital, setting forth the purpose thereof.

Duties.

The president, the vice president, if there be one, and the secretary and treasurer shall be annually sworn and their oaths be entered of record in the books of the corporation.

The president, or, in his absence, the vice president, shall preside at all meetings of the directors or members. In the absence of both, a president pro tempore may be chosen.

The secretary shall keep a record of the votes, whether cast in person or by proxy, and the other proceedings of all meetings of the directors and of the members; a true list of the holders of the guaranty capital, if any, the number of shares owned by each, and a record of all transfers of such shares; and shall record all policies issued and all authorized assignments, transfers and cancellations thereof; and such other books and records as the president and directors may require.

The records so kept shall be evidence of the transactions to which they relate, and for making any wilfully false record the secretary shall be deemed guilty of the crime of forgery. Such records shall be open to the inspection of any person interested therein.

Dividends.

SEC. 39. The directors of any mutual fire insurance company may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year.

Each policyholder shall be liable to pay his apportional part of any assessments which may be made by the company in accordance with law and his contract on account of losses and expenses incurred while he was a member, *provided*, he is notified of such assessment within one year after the expiration of his policy.

Premium.

SEC. 40. Mutual fire insurance companies, except as provided in the next section, shall charge and collect on their policies a full mutual premium in cash or notes absolutely payable.

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Liability of members.

Any such company may in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash fund, *provided*, that such contingent liability of a member shall not be less than a sum equal to and in addition to the cash premium written in his policy, nor more than a sum equal to three times the amount of such cash premium.

The total amount of the liability of the policyholder shall be plainly and legibly stated upon each policy.

Whenever any reduction is made in the contingent liability of members such reduction shall apply proportionally to all policies in force.

Existing mutual Fire Ins. Co's.

SEC. 41. Mutual fire insurance companies now organized and lawfully doing business upon the plan of taking deposit notes or contingent liabilities for a percentage of the amount insured by its policies, and making a call or assessment thereon for the payment of losses and expenses as the same are incurred, may continue such system of business, and not less than twice nor more than five times the amount of such deposit notes or contingent liabilities shall constitute the entire liability of their members.

Assessments. Record.

SEC. 42. Whenever a mutual fire insurance company is not possessed of cash funds above its reinsurance reserve sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses, and expenses upon its members liable to assessment therefor in proportion to their several liabilities.

The company shall cause to be recorded in a book kept for that purpose the order for such assessment together with a statement which shall set forth the condition of the company at the date of the order, the amount of its cash assets and office deposit notes or other contingent funds liable to the assessment, the amount the assessment calls for and the particular losses or other liabilities it is made to provide for.

Such record shall be made and signed by the directors who voted for the order before any part of the assessment is collected, and any person liable to the assessment may inspect and take a copy of the same.

Same.

SEC. 43. When by reason of depreciation, or loss of its funds, or otherwise, the cash assets of such a company, after providing for its other debts, are less than the required premium reserve upon its policies, it shall

make good the deficiency by assessment in the mode provided in the preceding section, notice of which assessment shall filed in the insurance commissioner's office, or if the directors, or insurance commissioners, are of the opinion that the company is liable to become insolvent, the directors, or upon their failure for a period of five days to do so the insurance commissioner may, instead of such assessment, order two assessments to be made, the first determing what each policyholder must equitably pay or receive in case of withdrawal from the company and having his policy canceled, the second what further sum each must pay in order to reinsure the unexpired term of his policy at the same rate as the whole was insured at first.

Report.

Each policyholder shall pay or receive according to the first assessment, and his policy shall then be canceled, unless he pays the sum further determined by the second assessment, in which case his policy shall continue in force; but in neither case shall a policy holder receive or have credited to him more than he would have received on having his policy canceled by a vote of the directors under the by-laws.

Liquidation.

If within two months after such alternative assessments have been collectable the amount of the policies whose holders have settled for both assessments is less than five hundred thousand dollars, the company shall cease to issue policies, and all policies whose holders have not settled for both assessments shall be void, and the company shall continue only for the purpose of adjusting the deficiency or excess of premiums among the members and settling outstanding claims.

Invalid assessment.

No assessment shall be valid against a person who has not been duly notified thereof in writing within one year after the expiration or cancellation of his policy.

And when an assessment is ordered, the directors shall forthwith cause written notice and demand for payment to be made upon each person subject thereto, by mail or personal service.

SEC. 44. When the directors make an assessment or call upon the members for money, or vote that there exists a necessity for such call or assessment, they or any person interested in the company as an officer, policyholder or creditor, may apply to the district court of any county, by a petition in the nature of a bill in equity praying the court to examine such assessment or call, the necessity therefor, and all matters connected therewith, and to ratify, amend or annul the assessment or call, or to order that the same be made as law and justice may require; but application when made by any party except the corporation, or a receiver, or the

Petition to court to enforce assessment.

insurance commissioner, shall rest in the discretion of the court.

When the directors unreasonably neglect to make an assessment or call to satisfy an admitted or ascertained claim upon the company, any judgment creditor, or any person holding such claim, or the insurance commissioner, may make the application to the court.

Hearing on petition.

Upon such application, if made by the directors, or upon an order of the court, or if made by any other party, the directors shall set forth the claims against the company, its assets, and all other facts and particulars appertaining to the matter.

The court before which such petition is filed shall order notice to be given by publication or otherwise to all parties interested, and upon the return thereof shall proceed to examine the assessment or call, or the necessity and all matters connected therewith.

Any party interested may appear and be heard thereon.

All questions that arise shall be heard and determined as in other equity cases.

Referee.

The application may be referred to a referee, who shall appoint a time and place to hear all parties interested, and shall give at least ten days personal notice thereof in writing to the insurance commissioner, and through the post office, so far as he is able, to all persons liable upon said assessment or call.

The referee shall hear the parties and report upon the correctness of the assessment or call, and all matters connected therewith.

Decree.

The court may ratify, amend or annul the assessment or call, or order one to be made; and may make such orders and decrees in the premises as, under all the circumstances, justice and equity require.

If the assessment or call is altered or amended, or one is ordered to be made, the directors shall forthwith proceed to vote the same in legal form, and the record of such vote shall be set forth in a supplemental bill or answer.

When an assessment or call has been so ratified, ascertained or established, a decree shall be entered which shall be final and conclusive upon the company and all parties liable to the assessment or call as to the necessity of the same, the authority of the company to make or collect the same, the amount thereof, and all formalities connected therewith.

An assessment or call, altered or amended by vote of the directors and decree of the court thereon shall be binding on all parties who would have been liable

under it as originally made, and in all legal proceedings shall be held to be such original assessment or call.

All such proceedings shall be at the cost of the company, unless the court for cause or otherwise, orders; and in all cases the court may control the disposition of the funds collected under such proceedings.

If it appears to the court before which such application is pending that the net proceeds of any assessment or call will not be sufficient to furnish substantial relief to those having claims against the company, the judge may decree that no assessment shall be collected, and when, upon the application of the insurance commissioner, or a member of the company, or of any person interested, the judge is of the opinion that further attempts to collect an assessment then partially collected will not benefit those having claims against the company, he may stay the further collection of said assessment, but the decree of the court made in any proceeding to collect or annul any assessment shall be subject to appeal to the supreme court the same as in any equity proceedings.

No immunity.

SEC. 45. No director or other officer of a mutual fire insurance company shall either officially or privately give a guarantee to a policyholder thereof against an assessment to which he would otherwise be liable.

Failure to assess. Liability of officers.

If the directors of any such company shall neglect or omit for the space of six months to lay or collect with all practicable diligence any assessment they are required to make by sections forty-three and forty-four, they shall be personally liable for all debts and claims then outstanding against the company, or that may accrue until such assessment is laid and put in process of collection.

If the treasurer of any such company unreasonably neglects to collect an assessment made by order of the directors and to apply the same to the payment of the claims, for which it was made, he shall be liable in his private capacity to the party having such claims for the amount of the assessment; and he may repay himself out of any money afterward received for the company on account of said assessment.

When sufficient property of any such company cannot be found to satisfy an execution against it and it has property referable to the period assessed the proceeds of which can be applied to satisfy such execution, if the directors neglect to pay the same or neglect for thirty days after the rendition of the judgment to make an assessment and deliver the same to the treasurer for collection, or to apply such assessment when

collected to the payment of the execution, they shall be personally liable to the amount of the execution.

When the directors of any such company are liable to pay an execution against it, the creditor may recover the same by a suit in equity or by an action at law against the directors. Action against directors.

The director who pays an execution against the company for which he is personally liable may have a suit at law with equitable remedies for contribution against any of the directors for their proportion and also a suit at law with equitable remedies against the company, or to the individual members thereof to the extent of their several liability to assessments therefor.

SEC. 46. Mutual fire insurance companies organized or doing business under this act, may insure property in any part of the United States or in Canada. May insure in U. S. or Canada.

SEC. 47. A mutual marine insurance company organized or under this act shall have an agreement under the seal of each subscriber hereto substantially as follows, namely: Agreement with subscriber.

c 175 §47-49
92-NW 227

"The subscribers severally agree to pay to the..... ..... insurance company on demand the whole or such part of the sums set against our names as may be called from time to time for the use of said company in the payment of its losses and expenses not otherwise provided for."

95 c 175 § 47
97-M - 340
166-NW 312

Such company shall not issue policies until the amount of two hundred thousand dollars, which shall be the total of such subscriptions shall have been subscribed, and a certificate signed by the president and a majority of the directors, certifying that the subscribers are known to them and that they believe them to be solvent and liable to pay their subscriptions, has been deposited with and approved by the insurance commissioner. $200,000 subscribed.

Whenever a subscriber dies or becomes insolvent, his subscription shall be canceled, and whenever the amount of the subscription fund is thereby or otherwise reduced, the deficiency shall be made good by new subscriptions, certified in the same manner as the original.

Subscribers shall be entitled to annual dividends of two per cent upon the amount of their subscriptions from the profits of the company, and shall also be reimbursed from future profits for all sums of money they may pay the company for its uses under their agreement, with lawful interest thereon. Dividends.

The net profits or dividend surplus of such companies shall be annually divided among the insured whose policies terminated during the year in proportion to the contribution of each to such profit or surplus, and such Division of profits.

Script certificates.

dividends shall be made only in script certificates payable only out of the accumulation of net profits or surplus, which accumulation shall constitute and be kept and invested by the company as a separate fund in trust for the redemption of such script certificates, and the contingent payment of losses and expenses as herein provided.

Such certificates, until redeemed, shall be subject to future losses and expenses of the company and to be reduced in case the redemption fund is drawn upon for the payment of such loss and expenses, but no part of the redemption fund shall be used for the payment of losses or expenses unless and only to the extent that the cash assets of the company are insufficient therefor; and whenever any portion thereof shall be used for such payment the outstanding certificates shall be reduced in proportion so that the redemption fund shall at all times equal the amount of the unredeemed certificates.

The net income of the redemption fund shall be divided annually among the holders of its certificates or the company may make such certificates, with a specified rate of interest payable from the income of its invested funds.

As such profits accumulate and are invested subscriptions of an equal amount shall be canceled.

The maximum of such accumulation of profits shall be three hundred thousand dollars, and all excess of profits above said amount shall be applied annually to the payment of the certificates in the order of their issue.

The certificates shall be forthwith payable when the company shall cease to issue policies, and the fund is no longer liable to be drawn upon for the payment of losses.

Domestic Mutual Marine Ins. Co's.

SEC. 48. All domestic mutual marine insurance companies shall be subject to the provisions of sections thirty-seven and thirty-eight, and each subscriber to the payment fund, or agreement specified in section forty-seven of any such company shall be a member thereof during the term of his subscription and entitled to one vote.

SEC. 49. If the subscriber to the permanent fund or agreement of a mutual marine or mutual fire and marine insurance company fails to pay his subscription or any assessment thereon, and it is proven that the president or a director certified falsely in regard to such subscriber, the person certifying shall be liable to the company for such sum as the subscriber fails to pay.

Personal liability of officers

If any such company is at any time liable for losses beyond the amount of its net assets, the president and

directors shall be personally liable for all losses on insurance affected while the company was in such condition.

No fire Insurance policy over value of property.

SEC. 50. No insurance company shall knowingly issue any fire insurance policy upon property within this state for an amount which, together with an existing insurance thereon exceeds the fair value of the property, nor for a longer term than seven years, and whenever any company wilfully insures property for more than its real value it shall forfeit to the state school fund double the premium collected on such policy.

Loss payable to mortgagee.

SEC. 51. When, by an agreement with the insured, or by the term of a fire insurance policy taken out by a mortgagor the whole or any part of the loss thereon is payable to a mortgagee or mortgagees of the property or for their benefit the company shall, upon satisfactory proof of the rights and title of the parties, in accordance with such terms or agreement pay all mortgagees protected by such policy in the order of their priority of claim, as their claim shall appear, not beyond the amount for which the company is liable, and such payment shall be, to the extent thereof, payment and satisfaction of the liability of the company under such policy.

95 c 175
§ 52
99-M - 190
108-NW 871

Policy to contain conditions in full.

SEC. 52. In all insurance against loss by fire the conditions of insurance shall be stated in full, and neither the application of the insured nor the by-laws of the company shall be considered as a warranty or a part of the contract, except so far as they are incorporated in full into the policy.

O 175 §52
79-NW 588

Standard policy.

SEC. 53. No fire insurance company shall issue fire insurance policies on property in this state other than those of the standard form herein set forth, except as follows, to-wit:

c 175 §53 C 175 §53
86-M - 490 80-NW 630
80-NW 976
82-NW 647

Exceptions.

First—A company may print on or in its policies its name, location and date of incorporation, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and if it is issued through an agent the words, "This policy shall not be valid until countersigned by the duly authorized agent of the company at ————————."

95 c 175
§ 53
94-M - 486
103-NW 495
99-M - 190
108-NW 871

Second—A company may print or use in its policies printed forms of description and specification of the property insured.

Third—A company insuring against damage by lightning may print, in the clause enumerating the perils insured against, the additional words, "also any damage by lightning, whether fire ensues or not," and, in the clause providing for an apportionment of loss in

case of other insurance, the words "whether by fire, lightning or both."

Fourth—A company incorporated or formed in this state may print in its policies any provisions which it is authorized or required by law to insert therein; and any company not incorporated or formed in this state may, with the approval of the insurance commissioner, so print any provision required by its charter or deed of settlement or by the laws of its own state or county, not contrary to the laws of this state; *provided*, that the insurance commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such a way as to effect the question of loss to be appended to the policy by a slip, or rider as hereinafter provided.

Fifth—The blanks in said standard form may be filled in print or in writing.

Sixth—A company may print upon policies issued in compliance with the preceding provisions of this section the words "Minnesota standard policy."

Riders.

Seventh—A company may write upon the margin or across the face of the policy, or write, or print in type not smaller than long primer upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form. *Provided*, that no provision shall be attached to or included in said policy limiting the amount to be paid in case of total loss on buildings to less than the amount of insurance on the same, and all such slips, riders and provisions must be signed by the officers or agent of the company so using them.

c175 §537
34-M - 118

The said standard form of policy shall be plainly printed, and no portion thereof shall be in type smaller than long primer, and shall be as follows, to-wit:

Standard form

No..... $.....

(Corporate name of the company or association; its principal place or places of business.)

In consideration of .....dollars to be paid by the insured, hereinafter named, the receipt whereof is hereby acknowledged, does insure..... and ..... legal representatives against loss or damage by fire, to the amount of ..... dollars.

(Description of property insured.)

Bills of exchange, notes, accounts, evidences and securities of property of every kind, books, wearing apparel, plate, money, jewels, medals, patterns, models, scientific cabinets and collections, paintings, sculpture, and curiosities are not included in said insured property, unless specially mentioned.

Said property is insured for the term of....., beginning on the ..... day of..... in the year eighteen hundred and ..... at noon, and continuing until the ..... day of ..... in the year eighteen hundred and ..... at noon, against all loss or damage by fire originating from any cause except invasion, foreign enemies, civil commotions, riots, or any military or usurped power whatever; the amount of said loss or damage to be estimated according to the actual value of the insured property at the time when such loss or damage happens, except in case of total loss on buildings, but not to include loss or damage caused by explosion of any kind unless fire ensues, and then to include that caused by fire only.

Policy void if deceit is practiced.

The policy shall be void if any material fact or circumstance stated in writing has not been fairly represented by the insured, or if the assured now has or shall hereafter make any other insurance on the said property without the assent of the company, or if, without such assent the said property shall be removed, except that, if such removal shall be necessary for the preservation of the property from fire, this policy shall be valid without such assent for five days thereafter, or if, without such assent, the situation or circumstances affecting the risk shall, by or with the knowledge, advice, agency or consent of the insured, be so altered as to cause an increase of such risks, or if, without such assent, the property shall be sold or this policy assigned, or if the premises hereby insured shall become vacant by the removal of the owner or occupant, and so remain vacant for more than thirty days without such assent, or if it be a manufacturing establishment, running in whole or in part extra time, except that such establishment may run in whole or in part extra hours not later than nine o'clock p. m., or if such establishment shall cease operation for more than thirty days without permission in writing endorsed hereon, or if the insured shall make any attempt to defraud the company, either before or after the loss, or if gunpowder or other articles subject to legal restriction shall be kept in quantities or manner different from those allowed or prescribed by law, or if camphene, benzine, naptha or other chemical oils or burning fluids shall be kept or issued by the insured on the premises insured, except that what is known as refined petroleum, kerosene or coal oil, may be used for lighting, and in dwelling houses kerosene oil stoves may be used for domestic purposes, to be filled when cold, by daylight, and with oil of lawful fire test only.

If the insured property shall be exposed to loss or

damage by fire, the insured shall make all reasonable exertions to save and protect the same.

Sworn statement in writing —when.

In case of any loss or damage under this policy, a statement in writing, signed and sworn to by the insured, shall be forthwith rendered to the company, setting forth the value of the property insured, except in case of total loss on buildings the value of said buildings need not be stated, the interest of the insured therein, all other insurance thereon, in detail, the purposes for which and the persons by whom the building insured, or containing the property insured, was used, and the time at which and manner in which the fire originated so far as known to the insured.

The company may also examine the books of account and vouchers of the insured, and make extracts from the same.

Company may replace.

In case of any loss or damage the company, within sixty days after the insured shall have submitted a statement as provided in the preceding clause, shall either pay the amount for which it shall be liable, which amount, if not agreed upon, shall be ascertained by award of referees, as hereinafter provided, or replace the property with other of the same kind and goodness, or it may, within fifteen days after such statement is submitted, notify the insured of its intention to rebuild or repair the premises or any portion thereof separately insured by this policy, and shall thereupon enter upon said premises and proceed to rebuild or repair the same with reasonable expedition.

No abandonment.

It is moreover understood that there can be no abandonment of the property insured to the company, and that the company shall not in any case be liable for more than the sum insured, with interest thereon from the time when the loss shall become payable, as above provided.

If there shall be any other insurance on the property insured, whether prior or subsequent, the insured shall recover on this policy no greater premium of loss, except in case of total loss on buildings, sustained than the sum hereby insured bears to the whole amount insured thereon.

And whenever the company shall pay any loss, the insured shall assign to it to the extent of the amount so paid, all rights to recover satisfaction for the loss or damage from any person, town or other corporation, excepting other insurers, or the insured, if requested, shall prosecute therefor at the charge and for the account of the company.

If this policy shall be made payable to a mortgagee of the insured real estate, no act or default of any per-

son other than such mortgagee or his agents, or those claiming under him, shall effect such mortgagee's right to recover in case of loss on such real estate.

Mortgagee to assignee to company.

Provided, that the mortgagee shall, on demand, pay according to the established scale of rates for any increase of risks not paid for by the insured; and whenever this company shall be liable to a mortgagee for any sum for loss under this policy, for which no liability exists as to the mortgagor, or owner, and this company shall elect by itself, or with others, to pay the mortgagee the full amount secured by such mortgagee, than the mortgagee shall assign and transfer to the companies interested, upon such payment, the said mortgage, together with the note and debts thereby secured.

Policy may be cancelled.

This policy may be cancelled at any time at the request of the insured, who shall thereupon be entitled to a return of the portion of the above premium remaining, after deducting the customary monthly short rates for the time this policy shall have been in force.

Company may cancel—when.

The company also reserves the right, after giving written notice to the insured, and to any mortgagee to whom this policy is made payable and tendering to the insured a ratable proportion of the premium to cancel this policy as to all risks subsequent to the expiration of ten days from such notice, and no mortgagee shall then have the right to recover as to such risks.

Arbitrating adjustment.

In case of loss, except in case of total loss on buildings, under this policy and a failure of the parties to agree as to the amount of loss it is mutually agreed that the amount of such loss shall be referred to three disinterested men the company and the insured each choosing one out of three persons to be named by the other and the third being selected by the two so chosen; the award in writing by a majority of the referees shall be conclusive and final upon the parties as to the amount of loss or damage, and such referees unless waived by the parties shall be a condition precedent to any right of action in law or equity to recover for such loss; but no person shall be chosen or act as referee, against the objection of either party, who has acted in a like capacity within four months.

Limitation of action.

No suit or action against this company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this state unless commenced within two years from the time the loss occurred.

In witness thereof, the said ———————— company has caused this policy to be signed by the president and

attested by its secretary (or by such proper officers as may be designated), at their office in ————————.

Date————————.

When two or more companies (each having previously complied with the laws of this state) unite to issue a joint policy, there may be expressed in the heading of such policy the fact of the severalty of the contract; also the proportion of premium to be paid to each company, and the proportion of liability which each company agrees to assume.

And in the printed conditions of such policy the necessary change may be made from the singular to the plural number, when reference is had to the companies issuing such policy.

Penalty for violation of this act.

SEC. 54. Any insurance company, its officers or agents, or either of them, violating any provisions of this act by making, issuing, delivering or offering to deliver any policy of fire insurance on property in this state, except as herein provided, shall be guilty of a misdemeanor and upon complaint made by the insurance commissioner, or by any citizen of this state shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense, and of not less than one hundred dollars nor more than two hundred and fifty dollars for each subsequent offense; but any policy so made, issued and delivered shall, nevertheless, be binding upon the company issuing the same, and such company shall until the payment of such fine and for the term of one year thereafter be disqualified from doing any insurance business in this state.

Adjustment—referees.

95 c 175 § 55
96-M - 154
104-NW 900

SEC. 55. In case of loss, except in case of total loss on buildings under any fire insurance policy, issued on property in this state, and the failure of the parties to agree as to the amount of the loss, if the insurance company shall not, within five days after a written request to appoint one referee under the provisions for arbitration in such policy, name one man under such provision, who shall be a resident of this state and willing to act as such referee, it shall be deemed to have waived the right to an arbitration under such policy, and be liable to suit thereunder, as though the same contained no provision for arbitration as to the amount of loss or damage.

And in case of the failure of two referees, chosen, respectively, by the insurance company and the insured, to agree upon and select within ten days from their appointment, a third referee willing to act in said capacity, either of the parties may within ten days from the expiration of said ten days, make written application,

setting forth the facts to the judge of the district court of the county wherein the fire occurred, and said judge shall thereupon make such appointment.

Official Fidelity bonds.

SEC. 56. Whenever any bond, recognizance, obligation or stipulation or undertaking is by law, municipal or otherwise or by the rules or regulations of any board, body or organization or officer, municipal or otherwise required or permitted to be made, given, tendered or filed for the security or protection of any person, persons, corporation, municipality or any department thereof, or any other organization whatever, conditioned for the doing or not doing of anything in such bond, recognizance, obligation, stipulation or undertaking specified, any and all heads of departments, public officers, state, county, town or municipal, and any and all boards, courts, judges, municipalities now or hereafter required or permitted to accept or approve of the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may, in the discretion of such head of department, court, judge, public officer or municipality, accept such bond, recognizance, obligation, stipulation or undertaking, and approve the same whenever the same is executed, or the conditions thereof are guaranteed, solely by a corporation authorized under its charter to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts, other than insurance policies, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings at law, and whenever any such bond, recognizance, obligation, stipulation or undertaking is so required to be made, given, tendered or filed with one surety, or with two or more sureties, the execution of the same, or the guaranteeing of the performance of the conditions thereof, shall be sufficient when executed or guaranteed solely by such company so authorized and admitted to do business in this state, and shall be in all respects a full and complete compliance with every requirement of every law, ordinance, rule or regulation, that such bond, undertaking, recognizance, obligation or stipulation shall be executed or guaranteed by one surety, or by two or more sureties, or that such sureties shall be residents or householders or freeholders or both, and any and all heads of departments, courts, judges, boards, and municipalities, and any and all public officers, state, county, town or municipal, whose duty it may be, or shall hereafter be to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may accept and approve the same, when executed or guaranteed solely by such company,

so admitted to do business in this state and all such corporations are hereby vested with full power and authority to execute and guarantee such bonds, recognizances, stipulations, obligations or undertakings, whether given under the laws of this state, or of the United States or of any state or country.

The certificate of the commissioner of insurance of this state, to the effect that it appears to his satisfaction from sufficient evidence on file in his office, that the company, corporation or association executing any such bond as surety thereon, or as guarantor thereof, has furnished the same security which is required by law, or regulations of this department, of life insurance companies, under the provisions of sections three hundred and fifty-five to section three hundred and fifty-eight, inclusive, of chapter thirty-four of the general statutes of eighteen hundred and seventy-eight, which provisions, so far as the same can reasonably apply, are hereby made applicable to all companies, corporations and associations affected by this act, and such sureties shall not be accepted or approved unless such certificate is produced, or a duly certified copy thereof is produced and filed with the officer, board or party approving the same.

Same—expense of procuring Fidelity bonds.

SEC. 57. Any receiver, assignee, trustee, committee, guardian, executor or administrator, or other fiduciary required by law to give bond as such, may include as a part of his lawful expenses such reasonable sum paid such a company for such suretyship, not exceeding one per centum per annum on the amount of said bond, as the head of department, court, judge or officer by whom, or the court or body by which he was appointed, allows: and in all actions or proceedings the party entitled to recover costs may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any bond or undertaking therein.

Release of Fidelity Insurance Co.

SEC. 58. Any company executing such bond, recognizance, obligation, stipulation or undertaking, and any such surety may be released from its liability on the same terms and conditions as are or may be by law prescribed for the release of individuals upon any such bond, recognizance, obligation, stipulation or undertaking; it being the true intent and meaning of this act to enable corporations created for the purpose to become surety on bonds, recognizances, obligations or undertakings required by law, municipal or otherwise, or the rules or regulations of any court, judge, board, city charter, village town, organization or otherwise.

Estopped to deny its corporate capacity.

SEC. 69 [59.] Any company which shall execute any bond, recognizance, obligation, stipulation or undertaking as surety under the provisions of this act, shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur to deny its corporate power to execute such instrument or assume such liability.

Real Estate Title Insurance Co's capital.

SEC. 60. Companies may be formed in the manner provided in this chapter, with a capital of not less than two hundred thousand dollars nor more than one million dollars, for the purpose of examining titles to real estate, of furnishing information in relation thereto, and of insuring owners and others interested therein against loss by reason of incumbrances and defective title.

Such companies shall not be subject to the provisions of this chapter except as regards the manner of their formation and except as follows, to wit: Any such corporation, before it shall issue any policy or make any contract of guarantee or insurance, shall file with the insurance commissioner a certified copy of the record of its certificate of its organization in the office of the secretary of state, and shall obtain from the insurance commissioner his certificate that it has complied with the laws applicable to it, and is authorized to do business.

Requirements.

Every such corporation shall, on or before the fifteenth day of February of each year file in the office of the insurance commissioner a statement such as he may require of its condition and of its affairs for the year ending on the preceding thirty-first day of December, signed and sworn to by its president or secretary or treasurer, and of one of its directors, and for neglect to file such annual statements or for making a wilfully false statement, shall be liable to the same penalties as are imposed upon other insurance companies.

The insurance commissioner shall have the same power and authority to visit and examine such corporations as he has in the case of other domestic insurance companies, and the duties and liabilities of such corporations and their agents in reference to such examination shall be the same as those of other domestic insurance companies so far as the same are applicable.

Guaranty fund

SEC. 61. Every such corporation shall set apart a sum of not less than two-fifths of its capital, and not less than one hundred thousand dollars in any case as a guaranty fund and shall invest the same in the securities in which domestic insurance companies may invest their capital, and shall issue no policy and make no contract of guaranty or insurance until such sum is so set apart and invested.

The principal of such guaranty fund shall be a trust for the protection of policyholders and shall be applied only to the payment of losses and expenses incurred by reason of the guaranty or insurance contracts of the corporation.

Whenever the corporation shall increase its capital, two-fifths, as a sufficient part of the increase shall be set a part and duly invested and added to the guaranty fund so that such fund shall always be not less in amount that two-fifths of the entire capital.

Whenever by reason of losses or other cause the guaranty fund is less than two-fifths of the capital, the company shall make no further contract of guaranty or insurance until the fund is made good.

Existing companies.

SEC. 62. Any corporation heretofore organized under or confirmed by the provisions of chapter one hundred and thirty-five of the general laws of 1887 shall, upon complying with the provisions of chapter one hundred and seven of the general laws of 1883, as amended by chapter three of the general laws of 1885, as amended by this act, or as the same may be hereafter amended, be subject to the provisions of said laws of 1883, as amended by said laws of 1885, and this act, as aforesaid, or as the same may be hereafter amended, and entitled to all the rights, privileges and franchises thereby conferred.

Life Insurance Co's. Definition.

SEC. 63. All corporations, associations, partnerships or individuals doing business in this state under any charter, compact agreement or statute of this or any state, except as provided in section three, involving the payment of money or other things of value to families or representatives of policy and certificate holders or members conditioned upon the continuance or cessation of human life, or involving an insurance guaranty, contract or pledge for the payment of endowments or annuities shall be deemed to be life insurance companies, and shall not make any such insurance guaranty, contract or pledge in this state, or to or with any citizen or resident thereof, which does not distinctly state the amount of benefits payable, the manner of payment and the consideration therefor, nor the performance of which is contingent upon the payment of assessments made upon survivors.

Certificate.

SEC. 64. No life insurance company, after notice as provided in sections seven and nine, shall issue new policies under its authority to do business in this state until its funds have become equal to its liabilities and it has complied with the laws as provided in said sections and has obtained a certificate to that effect,

with license to resume business, from the insurance commissioner.

Foreign companies.

SEC. 65. A company organized under the laws of any other of the United States for the transaction of life insurance may be admitted to do business in this state, *provided*: it has the requisite funds of a life insurance company and in the opinion of the commissioner is in sound financial condition and has policies in force upon not less than one thousand lives for an aggregate amount of not less than one million dollars.

Deposit.

Any such company organized under the laws of a state or government other than of the United States, in addition to the above requirements, must have and keep on deposit or in the hand of trustees, as provided in sections seventy-nine and eighty-one in exclusive trust for the security of its contracts with policyholders in the United States, funds of an amount equal to the net value of all its policies in the United States and not less than one hundred thousand dollars.

No discrimination.

SEC. 66. No life insurance company doing business in Minnesota shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount of payments or premiums, or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract it makes; nor shall any such company, or an agent thereof, make any contract of insurance, or agreement, as to such contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow any inducement to insurance, any rebate or premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

Penalty.

Every corporation which shall violate any of the provisions of this section shall be fined in any sum not less than five hundred dollars nor exceeding one thousand dollars, to be recovered by action in the name of the state, and the amount so recovered shall be paid into the county treasury in the county where such offence was committed for the benefit of the common school fund.

Every officer, agent sub-agent or solicitor of any such corporation, who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five hundred dollars nor more than

one thousand dollars, and shall pay the cost of prosecution.

License revoked.

It shall be the duty of the insurance commissioner, upon being satisfied that any such corporation, or any agent thereof, has violated any of the provisions of this section, to revoke the license of the company or agent so offending, and no license shall be granted to such company, or agent, for one year after such revocation.

Black and white alike.

SEC. 67. No life insurance company shall make any distinction or discrimination between white persons and colored persons wholly or partially of African descent, as to the premiums or rates charged for policies upon the lives of such persons; nor shall any such company demand or require greater premiums from such colored persons than are at that time required by such companies from white persons of the same age, sex, general conditions of health and prospect of longevity, nor shall any such company make or require any rebate, diminution or discount upon the amount to be paid on such policy in case of the death of such colored person insured, nor insert in the policy any condition, nor make any stipulation whereby such person insured shall bind himself or his heirs, executors, administrators and assigns to accept any sum less than the full value or amount of such policy in case of a claim accruing thereon by reason of the death of such person insured, other than such as are imposed upon white persons in similar cases, and any such stipulation or condition so made or inserted shall be void.

Any such company which shall refuse the application of any such colored person for insurance upon such colored person's life shall furnish such person, on his request therefor, with the certificate of some regular examining physician of such company who made the examination, stating that such refusal was not because such applicant is a person of color, but solely upon such grounds of the general health and prospect of longevity of each person as would be applicable to white persons of the same age and sex.

Annual statement.

SEC. 68. Every insurance company doing business in Minnesota shall report in its annual statement the amount of forfeitures for the last year and undivided surplus, or lapsed or terminated policies, which it holds for or which is to accrue to the benefit of any class of its policyholders, whether or not dividends thereof have been declared or allotment made, and whether or not liable for obligations of the company until distribution thereof is made; also the amount of surplus, not ordered to be distributed and not included in the annual statement as dividends due policyholders, and not appropri-

ated to the permanent safety fund under the provisions of section seventy-five, accured from and contributed by its policies in force.

Actuary—fees.

SEC. 69. Every life insurance company doing business in this state shall annually pay to the actuary valuing the same, as compensation for the valuation of its policies, one cent on every thousand dollars insured by it on lives.

Reinsurance.

SEC. 70. No domestic life insurance company shall reinsure its risks except by permission of the insurance commissioner; but may reinsure not exceeding one-half of any individual risk.

Beneficiaries.

SEC. 71. When a policy of insurance is affected by any person on his own life, or on another life in favor of some person other than himself having an insurable interest therein, the lawful beneficiary thereof, other than himself or his legal representatives, shall be entitled to its proceeds, against the creditors and representatives of the person effecting the same; and a person to whom a policy of life insurance, hereafter issued, is made payable may maintain an action thereon in his own name. *Provided*, that subject to the statute of limitation, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy, but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payment, the company shall have written notice by or in behalf of some creditor, with specification of the amount claimed, claiming to recover for certain premiums paid in fraud of creditor.

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Every policy of life insurance made payable to or for the benefit of a married woman, or after its issue assigned, transferred, or in any way made payable to a married woman, or to any person in trust for her benefit, whether procured by herself, her husband or any other person, and the assignment or transfer is made by her husband, or any other person shall inure to her separate use and benefit, and to that of her children, subject to the provisions of this section relating to premiums paid in fraud of creditors, and *provided, further*, that all such policies may be surrendered in the manner described by section seventy-six of this act, which section shall apply to the same. In any claim arising under a policy which has been issued in this state by any life insurance company without previous medical examination, or without the knowledge and consent of the insured, and in case said insured is a minor, without the consent of the parent,

guardian, or other person having legal custody of said minor, the statements made in the application as to the age, physical condition and family history of the insured shall be held to be valid and binding upon the company, *provided*, however, that the company shall not be debarred from proving as a defense to such claim that said statements were willfully false, fraudulent or misleading; and *provided, further*, that every policy which contains a reference to the application of the insured, either as a part of the policy or as having any bearing thereon, must have attached thereto a correct copy of the application.

False statements.

Penalty.

SEC. 72. Any solicitor, agent, examining physician, or other person who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or who shall make any such statement for the purpose of obtaining any fee, commission, money, or benefit in any corporation transacting business under this act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, at the discretion of the court; and any person who shall wilfully make a false statement as to the death or disability of a policy or certificate holder in any such corporation, for the purpose of procuring payment of a benefit named in the certificate of such holder, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury. After the first day of October, in the year eighteen hundred and ninety-five, no life insurance company transacting business under this act shall issue any policy to a resident of this state which does not bear in bold letters upon its face a plain description of the policy, so fully defining its character, including dividend periods and other particulars, that the holder thereof shall not be liable to mistake the nature or scope of the contract.

False statement of death.

Definite contract.

Mutual Life Insurance Co's.

SEC. 73. Every person insured by a domestic mutual life insurance company shall be a member, entitled to one vote, and one vote additional for each five thousand dollars of insurance in excess of the first five thousand dollars, and shall be notified of its annual meetings by a written notice, or by an imprint in the form prescribed in section thirty-eight, upon the back of each policy, receipt, or certificate of renewal. Members may vote by proxies dated and executed within three months and returned and recorded on the

Members—vote—proxies.

books of the company seven days or more before the meeting at which they are to be used, but no person shall be allowed as proxy or otherwise to cast more than one hundred votes, and no officer shall himself, or by another, ask for, receive, procure to be obtained or use a proxy vote.

Annual reports Publication.

SEC. 74. Every insurance company doing business in this state must transmit to the insurance commissioner a statement of its condition and business for the year ending on the 31st day of December. Said statement must be published in the English language at least three times in a daily or weekly newspaper of general circulation printed and published in the English language in either Hennepin or Ramsey county in this state, and having a bona fide circulation of two thousand copies or more, or in the county where the state agency of such insurance company is located. Statements for publication shall be made out on blanks furnished by the insurance commissioner, and under his direction, and the insurance commissioner's certificate of authority to do business in this state shall be published in connection with said statement of each company doing business in this state. Proof of publication, to wit: the printer's affidavit of the fact shall be filed with the insurance commissioner in all cases. In case such statement is not published by the company or its agent, and proof of publication filed as required within sixty days from the date of filing the statement with the insurance commissioner, it shall be the duty of the insurance commissioner to have the same published as provided in this section, and collect the cost of said publication by the company.

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Limitation as to holding real estate.

SEC. 75. It is unlawful for any domestic insurance company in this state to purchase, hold or convey real estate anywhere, and for any other insurance company to purchase, hold or convey real estate within this state, except of the kind and in the manner and time following:

1. Such as it has heretofore acquired or may hereafter acquire within any incorporated city for purpose of improvement; or

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due; or

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts.

Real estate lawfully acquired as aforesaid under subdivisions 2, 3 and 4 hereof, except such as has been heretofore or may be hereafter acquired within an incorporated city under said subdivisions, shall be disposed of within five (5) years after the company acquired title to the same, unless the company procures a certificate from the insurance commissioner that the interests of the company will suffer materially by a forced sale thereof, and extending the time of the sale to a period fixed in said certificate.

Foreign Insurance Co's.

SEC. 76. Foreign insurance companies, upon complying with the conditions herein set forth applicable to such companies, may be admitted to transact in this state by constituted agents resident therein any class of insurance business authorized by the laws of this state, subject to all general laws now or hereafter in force relative to the duties, obligations, prohibitions and penalties of insurance companies, and subject to all laws applicable to the transaction of such business by foreign insurance companies and their agents; *provided* that no provision of law which by its terms applies specially to domestic life insurance companies, shall thereby become applicable to foreign life insurance companies.

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Filing charter and statement.

SEC. 77. No foreign insurance company shall be so admitted and authorized to do business until: It shall deposit with the insurance commissioner a certified copy of its charter or articles of incorporation and a statement of its financial condition and business, in such form and detail as he may require, signed and sworn to by its president and secretary or other proper officer and shall pay for the filing of such copy the sum of thirty dollars, and for the filing of such statement the sum of twenty dollars.

Fees.

Second—It shall satisfy the insurance commissioner that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact; that it has, if a stock company, a fully paid up and unimpaired capital, exclusive of stockholders' obligations of any description, of an amount not less than is required of similar companies formed under the provisions of this act, and, if a mutual company, other than life, that it has net cash assets equal to the capital required of like companies on the stock plan; that such capital or net assets are well invested and immediately available for the payment of losses in this state; and that it insures on any single hazard a sum no larger than one-twentieth of its capital and surplus, if engaged in life, fire or marine insurance and except that if it be a company legally transacting business of fire insurance under the laws of some other state of the

Requirements.

United States, it shall be so admitted and authorized to do business in this state upon the filing with the insurance commissioner of evidence of that fact together with a sworn statement of its financial condition showing that it has on its books no less than seven hundred and fifty thousand dollars of insurance in force on which the premium has been paid, covering no less than three hundred separate risks, and is in possession of cash assets to pay all losses incurred and to provide for a reinsurance reserve as required by section 11 of this act.

Third—It shall by a duly executed instrument filed in his office constitute and appoint the insurance commissioner or his successor its true and lawful attorney upon whom all lawful processes in any action or legal proceedings against it may be served and therein shall agree that any lawful process against it which may be served upon its said attorney shall be of the same force and validity as if served upon the company, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this state. Insurance commissioner attorney in fact.

The service of such process shall be made by leaving the same in the hands or office of the commissioner. Copies of such instrument certified by the commissioner shall be deemed sufficient evidence thereof and service upon such attorney shall be deemed sufficient service upon the principal. Service of process.

Fourth—It shall appoint as its agent or agents in this state some resident or residents thereof. Appointment of agents.

Fifth—It shall obtain from the insurance commissioner a certificate that it has complied with the laws of this state and is authorized to make contracts of insurance. Certificate.

SEC. 78. Such foreign company, if incorporated or associated under the laws of any government or state other than the United States or one of the United States, shall not be admitted until, besides complying with the conditions of seventy-eight, it has made a deposit with the treasurer of this state, or with the financial officer of some other state of the United States of a sum not less than the capital required of like companies under this act. Such deposit must be in exclusive trust for the benefit and security of all the company's policyholders and creditors in the United States and may be made in the securities but subject to the limitations specified in section thirty-two of this act, and such deposit shall be deemed for all purposes of the insurance laws the capital of the company making it. Deposit.

SEC. 79. No foreign insurance company hereafter admitted to do business in this state shall be authorized to transact more than one class or kind of insurance May engage in only one class of insurance.

therein. But any company, domestic or foreign, engaged in this state in the sole business of life insurance may, in connection therewith, also engage in the business of insuring against bodily injury or death by accident, by increasing its capital to the amount now required of two separate companies engaged in either one of these two classes of business; and no company now or hereafter admitted shall be allowed to transact both of said classes of business unless it possesses an aggregate capital equal to that required of two separate companies engaged in either one of these classes of business. Fire insurance companies may, however, do either a tornado, cyclone, windstorm and hail or a marine or inland navigation business, or both or any of said classes of insurance. Any company organized to do an insurance business other than life, fire and marine, may also engage in other classes of insurance (except life, fire and marine), *provided* it has an aggregate capital and surplus of at least three hundred thousand dollars.

Trustees of Insurance Co's of foreign countries.

SEC. 80. Any admitted company of a foreign country may appoint trustees who are citizens of the United States and approved by the insurance commissioner to hold funds in trust for the benefit of its policy holders and creditors in the United States. Said trustees here shall be named by the directors of the company and a certified copy of the records of the appointment of such trustees and of the deed of trust shall be filed in the office of the insurance commissioner, who may examine such trustees and the assets in trust and all books and papers relating thereto in the same manner that he may examine the officers, agents, assets and affairs of insurance companies. The funds so held by such trustees, so far as the same are in securities, money or credits admissible as sound assets in the financial accounts of insurance companies, shall, together with the deposits made in accordance with section seventy-nine, constitute the assets of such company as regards its policyholders and creditors in the United States.

Revoking license.

SEC. 81. The authority of a foreign insurance company, other than life, may be revoked if it shall violate or neglect to comply with any provisions of law obligatory upon it, and whenever in the opinion of the insurance commissioner its condition is unsound, or its assets above its liabilities, exclusive of capital and inclusive of unearned premiums estimated as provided in section eleven, are less than ninety per cent of the amount of its capital or required unimpaired funds.

Insuring with unauthorized companies.

SEC. 82. Nothwithstanding any other provision of this act, it shall be lawful for any person to obtain

insurance in foreign companies not authorized to do business in this state, and it shall be lawful for such foreign companies to issue policies upon property situate in this state, but only in the manner provided in this section. Any person who desires the right to obtain such insurance, either on his own property or on the property of a firm or corporation in which he is interested, shall apply to the insurance commissioner for a license and file with him a bond as hereinafter provided, thereupon the commissioner shall issue to said applicant a license good for one year, authorizing him to procure for himself, or his firm or corporation, such outside insurance. And all insurance procured or issued under said license shall be lawful and valid, and all provisions in such policy of insurance relating to co-insurance, or other insurance, shall be construed and held to be in accordance with the standard policy by this act prescribed any provisions in such policy of insurance to the contrary notwithstanding; and nothing in this act shall be construed as preventing or abridging the right of any company issuing such insurance to enter this state for the purpose of inspecting the property insured, adjusting any loss or performing any act necessary or proper to the right conduct of its business and all matters pertaining thereto. But *provided* that the bond of said applicant shall be in such reasonable sum as the insurance commissioner shall determine, with sureties residing in this state, who, shall satisfy the commissioner of their responsibility; the bond shall be approved by the commissioner, filed in his office, run to him for the use and benefit of the State of Minnesota, and conditioned that the applicant will comply with this section, and pay forthwith on the expiration of said license to the said insurance commissioner for the State of Minnesota a tax of two per centum upon the net premiums paid by such licensee, or his said firm or corporation. And such bond may be sued and enforced by said commissioner in his own name in any court having jurisdiction. Each person so licensed shall keep a separate accurate account of all business done under such license, and shall, on the thirty-first day of December, and the thirtieth day of June of each year file with the insurance commissioner a sworn statement of the aggregate premiums paid and return premiums received for and under such policies.

Hostilities no bar.

SEC. 83. Foreign companies admitted to do business in this state shall make contracts of insurance upon lives, property or interests therein only by lawfully constituted and licensed resident agents. No policy of

insurance issued to a citizen of this state by an authorized company organized under the laws of a foreign country shall be invalidated by the occurance of hostilities between such foreign country and the United States. Whenever any company negotiating insurance effects a reinsurance of any part thereof, otherwise than through licensed resident agents, the entire tax thereon shall be paid by the original insuring company, and the insurance commissioner shall make no deduction on account of such reinsurance.

Reinsuring company pays tax.

Retaliation.

SEC. 84. When, by the laws of any other state or nation, any taxes, fines, penalties, licenses, fees, additional to or in excess of those imposed by the laws of this state upon foreign insurance, companies and their agents, are imposed on insurance companies of this state and their agents doing business in such state, the same taxes, fines, etc., shall be imposed upon all insurance companies of such state and their agents doing business in this state so long as such laws remain in force. *Provided*, that any insurance company of any other state or nation doing business in any city of this state wherein there is a duly incorporated board of underwriters, that has organized a salvage corps as provided by statute and such insurance companies or its agents are not subject to taxation for the equipment and maintenance of said salvage corps under this section then such insurance company or companies shall be subject to a tax equal to 2½ per cent on the gross amount of the premiums received by said company in such city, which sum, shall be payable to the treasurer said board of underwriters and shall be by said board of underwriters used solely for the equipment and maintenance of said salvage corps, and such tax shall be in addition to all taxes, penalties, licenses and fees provided in this act to be paid to the state of Minnesota by such insurance companies or their agents.

Board of Underwriters.

"Lloyd's" plan

SEC 85. Associations of individuals, citizens of the United States, whether organized within this state or elsewhere within the United States, formed upon the plan known as Lloyd's, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life in this state in such manner and on such terms as the insurance commissioner may direct, providing that if such organization shall be possessed of cash on hand and guarantee subscriptions of the underwriters after deducting all liabilities except reinsurance reserve, of a sum not less than $50,000, and that the net cash on hand shall be equal to the reinsurance reserve calculated on a basis of

50 per cent of the premiums in force, and that evidence shall be furnished to the insurance commissioner that the underwriters are men of good financial standing, responsible for their obligations, and that the organization does not issue policies of insurance on any one risk in greater sums than one-fifth of the aggregate of the subscriptions of the several underwriters or the amount to which they may become liable, the commissioner shall license them under similar requirements as are made and prescribed in this act for the admisssion of foreign mutual fire insurance companies so far as the same may reasonably apply.

Same.

SEC. 86. Any officer of, or person appointed as its agent for that purpose by a domestic insurance company, or acting without compensation, may, without other qualification, act in the negotiation and transaction with such company of any insurance which such company may lawfully do.

Agents liable for writing unauthorized insurance.

SEC. 87. An insurance agent shall be personally liable on all contracts of insurance unlawfully made by or through him, directly or indirectly, for or in behalf of any company not authorized to do business in this state.

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Agents—who are.

SEC. 88. An insurance agent or broker who acts for a person other than himself in negotiating a contract of insurance by an insurance company shall, for the purpose of receiving the premium therefor be held to be the company's agent, whatever conditions or stipulations may be contained in the policy or contract; such agent or broker knowingly procuring by fraudulent representations payment or an obligation for the payment of a premium of insurance shall be punished by fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or by imprisonment for not more than one year.

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Punishment.

Agents to be licensed.

SEC. 89. No officer or agent of foreign insurance company shall make or procure to be made, or act or aid in any manner in the negotiation of, any insurance with such company until he shall procure from the insurance commissioner a certificate of authority so to do, which shall state in substance that the company is authorized to do business in this state, and that the person named therein is the constituted agent of the company for the transaction of such business. Upon written notice by such company of its appointment of a suitable person to act as its agent within this state, and the payment of a fee of one dollar, the insurance commissioner shall, if the facts warrant it, grant such certificate. Such certificate shall continue in force until the first day of March next after its issue, and by renewal thereof

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on the annual payment for such renewal of a fee of one dollar before the first day of March of each year, until revoked by the commissioner for non-compliance with the laws, or until the appointment of the agent is revoked by written notice from the company to that effect filed with the insurance commissioner. While such certificate remains in force the company shall be bound by the acts of the person named therein within his apparent authority as its acknowledged agent.

Name of state or country when incorporated to be posted and printed.

SEC. 90. Every person acting for a foreign insurance company shall exhibit in conspicuous letters, on the sign designating his place of business, the name of the state or country under whose authority the company he represents has been incorporated or formed. And said company and agent shall have also printed in large type the name of such state or country and the kind of office whether chartered, or incorporated, or formed as a mutual or stock company, upon all policies issued to citizens of this state, on all cards, placards and pamphlets, and in all advertisements published, issued or circulated in this state by them or him, relating to the business of such company.

Agents—solicitors.

SEC. 91. Whoever for compensation acts or aids in any manner in negotiating contracts of insurance or reinsurance or placing risks or effecting insurance or reinsurance for a person other than himself, and not being the appointed agent or officer of the company in which such insurance or reinsurance is effected, shall be deemed an insurance broker, and no person shall act as such insurance broker save as provided in this section. The insurance commissioner may upon the payment of a fee of ten dollars issue to any person a certificate of authority to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with any qualified domestic insurance company or its agents and with the authorized agents in this state of any foreign insurance company duly admitted to do business in this state. Such certificate shall remain in force for one year unless revoked by the commissioner for cause. Such cause shall exist upon conviction of the holder of such certificates of a violation of the insurance laws, and whenever it shall appear to the commissioner upon due proof after notice that the holder has unreasonably failed and neglected to pay over to the company or agent entitled thereto any premium or part thereof collected by him on any policy of insurance, the commissioner shall publish such revocation in such manner as he deems for the protection of the public.

Fees.

Broker's certificate.

Insurance Commissioner to hold deposit.

SEC. 92. The insurance commissioner of this state, in his official capacity, shall take and hold in trust deposits made by any domestic insurance company for the purpose of complying with the laws of any other state to enable such company to do business in such state; and shall also, in like manner, take and hold any deposit made by a foreign insurance company under any law of this state. The company making such deposit shall be entitled to the income thereof, and may from time to time, with the consent of the insurance commissioner, when not forbidden by the law under which the deposit is made, change in whole or part the securities which compose the deposit for other competent securities of equal par value. Upon request of any domestic insurance company the said insurance commissioner may return to such company the whole or any portion of the securities of such company held by him on deposit, when he shall be satisfied that the securities so asked to be returned are subject to no liability and not required to be longer held by any provision of law or purpose of the original deposit. And he may return to the trustees or other representative authorized for that purpose of a foreign insurance company, any deposit made by such company when it shall appear that such company has ceased to do business in this state or in the United States, and that such company is not subject to any liability in this state, for whose benefit such deposit was made.

Withdrawal of securities.

Suit to terminate deposit trust.

An insurance company which has made such deposit or its trustees or resident manager in the United States, or the insurance commissioner or any creditor of such company may at any time bring in the district court for the county of Ramsey a suit in equity against this state and other parties properly joined therein, to enforce, administer or terminate the trust created by such deposit. The process in such suits shall be served upon the insurance commissioner of this state, who shall appear and answer in its behalf and perform such orders and decrees as the court may make thereupon.

Receivers of insolvent Insurance Co's. Fees.

SEC. 93. The compensation of receivers of insolvent insurance companies shall be fixed by the district court. All accounts rendered to the court by such receivers shall be referred to the insurance commissioner for his examination and report thereon. Such receivers, at the expiration of one year from final settlement ordered by the court, or if they then have in their hands for distribution or deposit moneys or dividends uncalled for, when the same shall be paid into the treasury of the state and their final account allowed by the court, shall deposit with the insurance commissioner, together with

all papers and records relating to their receiverships, all books and papers of such insolvent company.

Filing annual statement.

SEC. 94. Every fire insurance company shall annually, on or before the first day of February, and every other company shall annually on or before the fifteenth day of February, file in the office of the insurance commissioner a statement which shall exhibit its final condition on the thirty-first day of December of the previous year and its business of that year. For good cause shown the commissioner may extend the time within which any such statement may be filed, but not to a date later than the first day of March. Every such annual statement shall be in the form of the specifications the insurance commissioner may require. Such statement shall be subscribed and sworn to by the president and secretary, or in their absence, by two of its principal officers. The annual statement of a company, of a foreign country other than life insurance company, shall embrace only its business and condition in the United States, and shall be subscribed and sworn to by its resident manager or principal representative in charge of its American business.

Fees.

For filing each annual statement, each foreign company shall pay the sum of twenty dollars.

New business unlawful till statement filed

The transaction of any new business by any company or its agents after neglect to file a statement in the manner herein provided shall be unlawful.

Revoking authority on execution returned unsatisfied.

SEC. 95. Whenever a judgment for the recovery of money has heretofore been, or hereafter may be recovered in any of the courts of this state, or in any of the courts of the United States having jurisdiction in this state, against any insurance company or against any association, partnership, firm or individual engaged in the business of insurance, and holding a certificate of authority therefor from the state treasurer, under the laws of the state, or from the insurance commissioner under this act, and an execution thereon is issued and duly returned unsatisfied in whole or in part, proof is made by any person by filing with the insurance commissioner a certified transcript of the docket of such judgment, together with the certificate of the clerk of the court in the county where the judgment roll in said action is filed and the judgment therein is docketed, that an execution has been issued on such judgment to the proper officer of such county and returned unsatisfied in whole or in part, and with the date of issuing and return, the insurance commissioner, shall forthwith revoke all authority or license for the transaction of any kind of insurance business within this state conferred upon such insurance company, association, part-

nership, firm or individual under the provisions of this act, and shall withhold therefrom any new certificate of authority such as is contemplated herein, until such judgment is docketed against such company association, partnership, firm or individuals wholly paid and satisfied, and proof thereof filed with such commissioner by the official certificate of the clerk of the court in the county wherein the judgment roll is filed and judgment docketed, showing that the same is satisfied of record, and until the expenses and fees incurred in the case under the provisions of this title are also paid by such company, association, partnership, firm or individual; and the insurance commissioner shall also forthwith cause notice of such revocation of authority to the published in some daily newspaper printed and published at the capital of the state, for at least one week; and during the time such authority or license remains so revoked, it shall be unlawful for the company association or partnership, firm or individual holding such revoked certificate of authority, or any of its agents or officers, to issue or renew any policies of insurance take any risks, or transact any business relating to insurance except such as is absolutely necessary in closing up its affairs in this state.

Tax of foreign companies.

SEC. 96. All insurance companies organized under the laws of any other state or nation doing business in this state, shall, annually pay to the state two per cent on all premiums received in cash and other obligations (except what are denominated insurance deposit notes, representing dividends of the company and the assessable premium notes of mutual fire insurance companies) in this state, by their agents or otherwise, during the year ending on the preceding thirty-first day of December, which sum shall be in lieu of all other taxes to be collected from said companies in this state, except upon the real or personal property owned by said companies in this state, which shall be taxed the same as like property owned by individuals, and not otherwise; and all insurance companies chartered by the territory or state of Minnesota, or organized under the general laws of the state, shall pay to the state two per cent on their premium receipts in this state, and shall also pay taxes and assessments upon real estate owned by them within the state, in like manner and in like amount as real estate owned by individuals is taxed and assessed and no additional taxes shall be collected of such companies other than the fees provided by law. In case of the refusal of any insurance company to pay such tax, the insurance commissioner shall at once revoke its authority to do business in this state, and shall not re-

Tax of domestic companies.

new the same while said tax remains a charge against said company.

Deposit of companies other than Fire, Marine or Fire and Marine, Hail Farmers Mutual or Real Estate Title.

SEC. 97. No company in this state other than fire, marine, or fire and marine, hail, farmers' mutual or real estate title insurance companies, shall do business in this state unless it has on deposit with the insurance commissioner of this state a security for all its policyholders stocks or bonds of this state, or of the United States, or bonds of any of the municipalities of this state, or personal obligations secured by first mortgage on real estate within this state, worth exclusive of buildings, the amount of the lien and bearing interest of not less than three per cent per annum, to an amount the actual market value of which, exclusive of interest, shall never be less than one hundred thousand dollars; which stocks, bonds or mortgages shall be retained by the insurance commissioner and disposed of as directed by law.

Provided, however, that the deposit of mortgages on real estate shall not exceed the amount of fifty thousand dollars. As long as any policies of the depositing company, remain, in force, the insurance commissioner shall hold the said deposit as security for all holders of its policies. *Provided*, any insurance company of any other state of the United States, in which the provisions of law contained in this act shall be in force, may file with the insurance commissioner of this state a certificate of the insurance commissioner of such other state, that as such officer he hold in trust and on deposit for the benefit of all the policyholders of such company, the deposit above described, stating the items of the securities so held and that he is satisfied that such securities are worth one hundred thousand dollars. No deposit, shall be required in this state while the said deposit so certified remains.

Chap. 18 G. L. 1876 in force.

SEC. 98. Nothing in this act contained shall be construed to repeal chapter eighteen of the laws of eighteen hundred and seventy-six relating to the acquiring of safety funds by fire insurance companies.

Chap. 185 and 186 G. L. 1885 in force.

SEC. 99. Nothing in this act contained shall be construed to repeal chapters one hundred and eighty-five and one hundred and eighty-six of the laws of eighteen hundred and eighty-five, relating to hail, tornado, cyclone and hurricane insurance companies.

Complainant has one half of fine.

SEC. 100. The person if other than the insurance commissioner or his deputy, upon whose complaint a conviction is had for violation of the law prohibiting insurance in or by foreign companies not authorized to do business in this state, shall be entitled to one-half of the fine recovered upon sentence therefor.

Penalty for agent or broker to violate law.

SEC. 101. Any person who shall assume to act as an insurance agent or insurance broker, without license therefor as herein provided, or who shall act in any manner in the negotiation or transaction of unlawful insurance with a foreign insurance company not admitted to do business in this state, or who as principal or agents shall violate any provision of this act in regard to the negotiation or offering of contracts of insurance, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars for such offense.

Penalty for violating Sec. 82.

SEC. 102. Any person licensed under the provisions of section eighty-two who shall procure or act in any manner in the procurement or negotiation of insurance in any authorized foreign company and shall neglect to make and file the affidavits and statements as such section provides, or shall willfully make a false affidivit or statement, shall forfeit his license and be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment for not more than one year, or by both.

Same, Sec. 17.

SEC. 103. Any company or any agent thereof issuing or circulating advertisements in violation of section seventeen shall be punished by a fine of not less than twenty-five nor more than five hundred dollars.

Same, Sec. 95.

SEC. 104. Any company that neglects to make and file its annual statement in the form and within the time provided by section ninety-five shall forfeit one hundred dollars for each day's neglect, and upon notice by the insurance commissioner to that effect its authority to do new business shall cease while such default continues.

For willfully making a false annual or other statement it is required by law to make, an insurance company and the persons making oath to or subscribing the same shall severally be punished by a fine of not less than one hundred nor more than five thousand dollars. Any person making oath to such false statement shall be deemed guilty of the crime of perjury.

Same, Sec. 19.

SEC. 105. For making any reinsurance in violation of section nineteen, an insurance company and the agent effecting or acting in the negotiation of such reinsurance shall severally be punished by a fine of five hundred dollars.

Same, Sec. 64.

SEC. 106. Any officer or agent of a life insurance company who shall issue a new policy, after notice by the commissioner, in violation of section sixty-four, shall for each offense forfeit a sum not exceeding one hundred dollars.

Same, Sec. 53. SEC. 107. Any insurance company or agent who shall make, issue or deliver a policy of fire insurance in willful violation of section fifty-three, shall forfeit for each offense not less than fifty nor more than two hundred dollars; but such policy shall nevertheless be binding upon the company issuing the same.

Penalty for immunity from assessment. SEC. 108. Any director or other officer of a mutual fire insurance company, who either officially or privately gives a guarantee to a policyholder thereof against an assessment to which such policyholder would otherwise be liable, shall be punished by a fine not exceeding one hundred dollars for each offense.

Penalty for violating Secs. 37 and 73. SEC. 109. Any paid officer or agent of a domestic mutual insurance company who shall ask for, receive procure to be obtained or use a proxy vote in violation of section thirty-seven or section seventy-three shall be punished for each offense by a fine of not less than fifty nor more than three hundred dollars.

Same, Sec. 6. SEC 110. Whoever, without justifiable cause, neglects upon due summons to appear and testify before the commissioner as provided in section six, and whoever obstructs the commissioner, his deputy or examiner, in his examination of an insurance company, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Same, Sec. 67. SEC. 111. Any life company or officer or agent thereof violating any of the provisions of section sixty-seven shall be punished by a fine of not more than one hundred dollars for each offense.

Same as to whole act. SEC. 112. For violation of any provision of this act, the penalty whereof is not specifically provided for herein, the offender shall be punished by a fine of not more than five hundred dollars.

Penalties how enforced. SEC. 113. Compliance with the provisions of section eighty-four as to deposits, obligations and prohibitions, and the payment of taxes, fines, fees and penalties by and upon foreign insurance companies may be enforced in the ordinary course of equity procedure by information brought in a district court by the attorney general at the relation of the insurance commissioner.

Embezzlement by agent. SEC. 114. An insurance agent or broker who acts in negotiating a contract of insurance by an insurance company lawfully doing business in this state, and who embezzles or fraudulently converts to his own use, or, with intent to use or embezzle, takes, secretes or otherwise disposes of, or fraudulently withholds, appropriates, lends or invests or otherwise uses or applies any money or substitute for money received by him as such agent or broker, contrary to the instructions, or with-

out the consent of the company, for or on account of which the same was received by him, shall be deemed guilty of larceny.

SEC. 115. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty, or punish any offense under the authority of the repealed laws; and any person who at the time when said repeal takes effect holds office under any of the laws repealed, shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is herein made. Effect of this act.

SEC. 116. All acts and parts of acts inconsistent herewith are hereby repealed. Repealing inconsistent acts

SEC. 117. This act shall take effect and be in force from and after twelve o'clock noon on the first day of October, 1895. To take effect October 1, 1895, 12 M.

Approved April 25, 1895.

CHAPTER 176.

S. F. No. 292.

An act to allow town insurance companies to change the location of the business office of said companies. Town Insurance companies

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Any town insurance company heretofore or hereafter organized under the laws of this state may, at any regular annual meeting of its members, or at any special meeting called for that purpose by a majority vote of those present amend its articles of association so that the business office of said association may be located in any town or any city in any town in which said association or company do business. May change location.

SEC. 2. This act will take effect and be enforced after its passage.

Approved April 16, 1895.

H. F. No. 4.

CHAPTER 177.

Town insurance companies.

An act relating to town insurance companies and authorizing loans by the officers thereof.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Whenever a loss has been incurred by any insurance company heretofore or hereafter organized under chapter eighty-three (83) of the general laws of eighteen hundred and seventy-five (1875), entitled "An act authorizing the formation of town insurance companies," and the several acts amendatory thereto, if such loss does not exceed the sum of five hundred (500) dollars, the president, secretary and treasurer of such company may make a temporary loan, in the manner and for the use and benefit of such company, sufficient to pay such loss.

May make loans.

Such loan shall be for a time not to exceed one (1) year and at a rate not to exceed eight (8) per cent per annum; and the president, secretary and treasurer may under the provisions of this act continue to make loans to meet losses until the aggregate amount of such loans reaches a sum equal to two (2) mills on each dollar of the total amount of insurance then in force, whereupon it shall be the duty of the officers of such company, when the next ensuing loss occurs, to make an assessment sufficient to cover the outstanding loan with interest. Any note given pursuant to this act may be renewed if at the maturity thereof it has not become necessary to make an assessment; *provided*, that the loans hereby authorized shall in no case exceed at any one time in the aggregate a sum equal to two (2) mills on each dollar of the total amount of insurance then in force.

Provided, further, that if at the time an assessment is made to meet any outstanding loan which has not yet matured, and a loss occurs before the maturity thereof, the proceeds of such assessment may be applied to the payment of such loss and said loan may thereupon be renewed if necessary.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

CHAPTER 178.

H F. No. 480.

An act to enable boards of fire underwriters incorporated by or under the laws of the state of Minnesota, to establish and maintain salvage corps and fire patrols.

Be it enacted by the Legislature of the state of Minnesota:

Boards of fire underwriters may organize salvage corps and fire patrols.

SECTION 1. That boards of fire underwriters, incorporated by or under the laws of the state of Minnesota, shall have power to provide suitable rooms for the accomodation of salvage corps and fire patrols, and also to provide a patrol of men and a competent person to act as superintendent, to discover and prevent fires with suitable apparatus to save and preserve property or life at and after a fire, and the better to enable them so to act with promptness and efficiency, full power is given such superintendent and such patrol to enter any building on fire, or which may be exposed to or in danger of taking fire from any other building, subject to the control of the chief of the fire department of the city, and at once proceed to protect and endeavor to save the property therein or to remove such property, or any part thereof, from such premises during and after a fire.

Meetings—notice.

SEC. 2. In the month of June and prior to the tenth (10th) day thereof, in each year, there shall be held an annual meeting of said board of underwriters, of which meeting ten (10) days notice shall be given by the secretary thereof in writing by mail, duly addressed to each member thereof at his last known place of business. *Provided*; that the provisions of this act shall not apply to cities, towns or villages of less than five thousand (5,000) inhabitants.

SEC. 3. All acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

S. F. No. 279.

CHAPTER 179.

Assessment, Endowment and Casualty Companies.

An act authorizing corporations, associations and societies organized or doing business under the co-operative or assessment life, endowment and casualty insurance plan, or either or any of them, whether under the provisions of chapter one hundred eighty-four of the general laws of the state of Minnesota for the year one thousand eight hundred and eighty-five, or otherwise, to amend their articles of association, and to legalize the incorporation or reincorporation of any such corporation, association or society, or any thereof, and to legalize any amendments heretofore made or attempted to be made, by any such organization.

Be it enacted by the Legislature of the state of Minnesota:

May amend articles.

SECTION 1. That corporations, associations and societies, or any of the same, heretofore or hereinafter incorporated, or reincorporated or doing business under the provisions of chapter one hundred and eighty-four of the general laws of Minnesota for the year one thousand eight hundred and eighty-five, or otherwise, shall have power and authority to amend at any time their articles of incorporation or association, or reincorporation, in the manner provided in their articles of incorporation or association, and said amendments shall become binding and valid as a part of the articles of incorporation or association, so attempted to be amended, from the time that the same, or a copy thereof, are filed with the insurance commissioner of the state of Minnesota.

Healing act.

SEC. 2. That whenever any corporation, association or society having incorporated, or reincorporated, or attempted to incorporate or reincorporate under the provisions of chapter one hundred and eighty-four of the general laws of the state of Minnesota for the year one thousand eight hundred and eighty-five, and has made or filed articles of association or of reincorporation with the insurance commissioner of the state of Minnesota, which have been approved by said commissioner, or by the attorney general, or has thereafterwards made or filed amendments to said original articles of association or of reincorporation with the said commissioner of insurance or the attorney general, such articles of incorporation, reincorporation and association, or any of the same, and all amendments or attempted amendments thereto, whether made in the manner provided by law, or otherwise, are hereby

in all things legalized and made valid to the same extent, as if done, according to the provisions of law.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

CHAPTER 180.

H. F. No. 810.

Educational institutions.

An act providing for the incorporation of educational institutions.

Be it enacted by the Legislature of the state of Minnesota:

May incorporate.

SECTION 1. That any private or sectarian educational institution now organized, or which may hereinafter be organized, in the state of Minnesota, may become incorporated in the manner provided herein.

Articles.

SEC. 2. Certificate of incorporation.—The principal, board of officers or trustees of said educational institution shall cause to be prepared a certificate which shall contain:

First—The name of the institution.

Second—The date when such institution was organized.

Third—The name of the principal, board of officers or trustees.

Fourth—Location of such institution.

Such certificate shall be signed by the principal, board of officers or trustees of such institution, acknowledged before a notary public, and shall be recorded in the office of the register of deeds of the county where such educational institution is located.

Powers.

SEC. 3. Powers.—Upon filing such certificate in the manner hereinbefore provided, such educational institution shall become a body corporate and shall have the power to sue or be sued by its corporate name, and in such name to require or receive by purchase, gift, grant or bequest any property, real, personal or mixed, and the same to hold, transfer, sell, mortgage, convey, loan, let or otherwise use the same to its benefit; but said corporation shall have no power to divert any gift, grant or bequest from the specific purpose designated by the donor.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 214.

CHAPTER 181.

Teachers.

An act to legalize as a state certificate the teachers' university certificate of the department of pedagogy.

Be it enacted by the Legislature of the state of Minnesota:

University certificate.

SECTION 1. The teachers university certificate issued by the University of Minnesota to graduates of the department of pedagogy in said university shall be valid as a certificate of the first grade to teach in the public schools of the state of Minnesota for a period of two years from date ~~of graduation~~.

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Permanent—when.

SEC. 2. At the expiration of two years of actual teaching the certificate of such graduate may be endorsed by the president of the university and the superintendent of public instruction upon satisfactory evidence that such service has been successful, and such endorsement shall make said certificate a permanent certificate of qualification; *provided*, that said endorsement may be cancelled and its legal effect annulled by the superintendent of public instruction upon satisfactory evidence of disqualification.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1895.

S. F. No. 492.

CHAPTER 182.

Teachers.

An act providing for appeals from the decision of the county superintendent of scools, in refusing to grant a license to teach.

Be it enacted by the Legislature of the state of Minnesota:

Appeals from county superintendent.

SECTION 1. Any person applying for a license to teach school, feeling aggrieved by the decision of the county superintendent, after examination, in refusing to grant such license or in refusing to grant a certificate of the grade applied for, may appeal therefrom to the state superintendent of public instruction.

Notice of appeal.

SEC. 2. The person desiring to appeal shall within ten days after notice of such decision, serve on the county superintendent so refusing to grant a certificate, a notice of appeal from such decision, which shall specify the grounds upon which an appeal is taken.

Answer.

SEC. 3. The county superintendent shall, within ten days after service upon him of a notice of appeal, as

aforesaid, transmit to the state superintendent of public instruction a certified transcript of the examination of such applicant, and stating the grounds upon which he refused to grant such license, and that an appeal has been taken from his decision.

Hearing—notice of.

SEC. 4. The state superintendent of public instruction shall within ten days after receiving a transcript of the examination of such applicant and notice of appeal as aforesaid, appoint a time and place of hearing said appeal, which shall be not less than six nor more than twenty days after receiving notice of said appeal, and he shall notify the county superintendent of schools, whose decision is appealed from, and also the appellant, by mail, of the time and place fixed upon for hearing such appeal.

Hearing.

SEC. 5. The superintendent of public instruction, or such person as he may designate, at the time and place fixed upon by him as aforesaid, shall proceed to hear and determine such appeal and his decision therein shall be final.

If it shall be found, after hearing and an examination that the appellant is in all respects qualified to teach school in the grade applied for, he shall reverse the decision of the county superintendent and grant to such person such certificate as he shall be entitled to; or in the event that he shall find that the appellant is not entitled to any certificate, he shall so decide. And if he finds that the decision of the county superintendent should be affirmed, he shall dismiss said appeal.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

Repealed 1899 Ch 35 2

CHAPTER 183.

H. F. No. 561.

An act for the encouragement of higher education in village and town public graded schools.

Higher education.

P. 468

Be it enacted by the Legislature of the state of Minnesota:

Course of study

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SECTION 1. The high school board shall have power to extend the benefits of state aid to any village or town public graded school, below the rank of high school, which shall pursue a course of study laid down by, or meeting the approval of said board, and the work of which is deemed good enough in quality by that body to warrant such aid. Such provisions of chapter one hundred and forty-four (144) of the general

laws of eighteen hundred and eighty-one (1881) as are not inconsistent with this act, together with such regulations as said high school board shall deem just and proper for village and town public graded schools, shall govern in the extension of the aid herein granted. But the provisions of this act shall not apply to the graded schools of towns and cities having a state high school as a part of their system.

Raising the standard.

SEC. 2. When said high school board shall have satisfied itself that any village or town public graded school, as hereinbefore specified, and properly applying for such aid, has attained a standard of curriculum, teachers and daily work sufficiently high to warrant placing such school on the list of those receiving such aid, said board may grant to said school the sum of two hundred (200) dollars per annum, subject to suitable conditions and limitations of time and efficiency in the conduct of its work corresponding to those affecting high schools receiving similar aid.

Appropriation.

SEC. 3. The sum of ten thousand (10,000) dollars is hereby appropriated annually to be paid out of any moneys in the treasury not otherwise appropriated for the purpose of this act, which amount or so much thereof as shall be necessary shall be paid upon the warrants of said board upon the state auditor.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 13, 1895.

H. F. No. 387.

CHAPTER 184.

State Normal School at Duluth.

An act to establish a state normal school at the City of Duluth in the county of St. Louis.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. There shall be established under the direction and supervision of the state normal school board, at the City of Duluth, in the county of St. Louis, a normal school to be known as the State Normal School of Duluth; *provided*, said city shall donate to the state a suitable tract (of not less than six (6) acres) of land, to be approved by the normal school board, for the location, use and benefit of said school, within twelve (12) months from the passage of this act; *provided, further*, that no money appropriated for the erection of buildings for said school shall be expended

Condition.

prior to the year one thousand eight hundred and ninety-six.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2, 1895.

CHAPTER 185.

H. F. No. 465.

An act to authorize the normal school board to dispose of a certain building situate on the normal school grounds at St. Cloud.

Normal school board.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the state normal school board be and they are hereby authorized to sell and dispose of on such terms and in such manner as the said board shall deem proper, a certain wooden building "commonly known as the Stearns house," situate on the normal school grounds at the city of St. Cloud, the said building not being designed or suitable for the purposes of said school.

May sell Stearns house at St. Cloud.

SEC. 2. The moneys realized from the sale of the building named in section one (1) of this act shall be paid into the state treasury, and are hereby appropriated for such uses and purposes of the normal school established at St. Cloud as the said board shall determine.

Proceeds.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1895.

CHAPTER 186.

S. F. No. 476.

An act to provide for elementary normal instruction in state high schools and to appropriate money for the same.

State high schools.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That for the purpose of providing elementary normal instruction in the state high schools of Minnesota the sum of ten thousand ($10,000) dollars, or such a portion thereof as may be needed shall be and is hereby annually appropriated out of any money in the treasury not otherwise appropriated beginning

Elementary normal instruction—appropriation.

with the fiscal year one thousand eight hundred and ninety-five (1895) to be paid as hereinafter provided.

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SEC. 2. That whenever the board of education in any city or village in the state of Minnesota, in which there is a state high school having a four-year course, and classes doing work in each of the four grades therein, shall provide in the senior year of their course for a review of the common school branches, geography, arithmetic, English grammar, United States history, and for instruction as to the best methods of teaching the said branches; and when the said board of education shall have notified the state high school board that the provisions of this statute shall have been fully complied with, it shall be the duty of the said state high school board to have the said school examined by the state high school inspector; and if upon said examination it shall appear that the local school board having charge of the high school so examined, has fully complied with the provisions of this statute, the state high school board shall thereupon certify the facts to the state auditor; and the state auditor shall at the end of the school year 1896, and upon the close of each succeeding school year, so long as the elementary normal instruction above described shall continue to be given in accordance with the provisions herein set forth, issue his warrant upon the state treasurer for the sum of five hundred ($500) dollars in favor of the board of education having charge of the schools in which the above described work is done, *provided*, however, that the state high school board shall certify each and every year to the work of each high school applying for aid under this statute before the state auditor's warrant shall issue upon the state treasurer.

Instruction.

Standard.

Pupils—when admitted.

SEC. 3. No pupil shall be admitted to the state high school training classes provided for in the second section of this statute who has not completed and passed the examination of the state high school board in the following branches, English composition, civil government, physiology, elementary algebra, plain and solid geometry, three years work in Latin language, or in the modern languages, or in lieu of three years work in Latin or the modern languages, one year's work in natural philosophy, one year's work in general history, one-half year's work in botany and one-half year's work in physical geography or chemistry.

State auditor's warrants—when drawn.

SEC. 4. That the state auditor's warrant shall not be drawn in favor of any board of education until the end of each school year and only upon the certificate of the state high school board mentioned in section 2 of this statute, accompanied by the certificate of the

superintendent or principal of the school applying for aid under this statute to the effect that the teachers training class in his school has numbered not less than eight pupils at any time during the current year.

Special teachers for training class.

SEC. 5. The board of education in any city or village in Minnesota applying for aid under this act shall employ a special teacher to instruct the pupils in the teachers training class, said teacher so employed, shall be in addition to the number employed by the said board in its high school during the year next preceding the date of their application for aid under this act. Said special teacher shall be a regular graduate of the school of pedagogy of the University of Minnesota, or the school of pedagogy of any other college of equal rank of the advanced course of a normal school.

President of normal board.

SEC. 6. That for the purpose of this act and to carry out the provisions thereof the president of the board of directors of the state normal schools shall be and is hereby made ex-officio a member of the state high school board.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 187.

H. F. No. 214.

School boards.

An act providing for the issue of bonds for the purpose of building school houses in school districts embraced within the limits of incorporated cities.

Be it enacted by the Legislature of the state of Minnesota:

Boards of education may issue bonds.

SECTION 1. It shall be lawful for the board of education or other board or body invested by law with the charge and control of the public schools in any school district embraced within the limits of any incorporated city in this state, to issue its negotiable bonds in such amounts as may from time to time be found necessary for the purpose of building, or enlarging, furnishing and equipping school houses in such districts; *provided*, that no such bonds shall be issued in any instanee unless the issuance thereof shall first have been determined upon by a vote of a majority of such board.

How determined.

SEC. 2. The determination of any such board or body to issue any bonds under the provisions of this act shall be by resolution in writing, to be recorded at length in the minutes of its proceedings.

Terms of bond.

SEC. 3. Such bonds if issued, shall be for the principal sum of not less than five hundred (500) dollars, nor more than one thousand (1,000) dollars each, and shall draw interest payable semi-annually at a rate to be stated therein, not exceeding five (5) per centum per annum, and shall become due at such times as such board may by resolution aforesaid provide, and shall be signed by the president, and attested by the clerk of such board.

Tax to pay bonds.

SEC. 4. A tax shall be levied upon all the taxable property in such district and collected in the same way as other taxes in such district or city are levied and collected, at the proper times and in sufficient amounts to pay the principal and interest of such bonds when the same shall become due, and the moneys so collected shall not be used or expended for any other purpose than the making of such payments.

In cities not over 30,000.

SEC. 5. This act shall not apply to school districts situated in cities containing a population of over thirty thousand (30,000) inhabitants.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

S. F. No. 216.

CHAPTER 188.

Moneys in state public school fund.

An act to authorize the state treasurer to transfer monies remaining to the credit of the state agency fund of the state public school from said fund to the current expense fund of said school.

Be it enacted by the Legislature of the state of Minnesota:

Transferred to current expense fund.

SECTION 1. That the state treasurer be, and he hereby is, authorized to transfer any money remaining to the credit of the state agency fund of the state public school on July thirty-first, one thousand, eight hundred ninety-five from said fund to the credit of the current expense fund of said school.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1895.

CHAPTER 189.

S. F. No. 329.

An act to allow boards of education to elect one of their number treasurer.

Boards of education.

Be it enacted by the Legislature of the state of Minnesota:

May elect treasurer.

SECTION 1. The board of education of any school district of this state, organized under any special law of the state of Minnesota, shall have the right by a majority vote of said board at the first meeting of said board after the organization of said board in each year to elect one of their number treasurer of said district, who shall upon said election and qualification as hereinafter provided be entitled to all the moneys belonging to said district.

Oath—bond.

SEC. 2. Said person before entering upon the discharge of his said duties shall take the oath of office required by law and give to said school district a bond in the sum of ten thousand dollars, with at least two sureties, to be approved by said board, conditioned upon the faithful performance of the duties of said office.

Duties.

SEC. 3. Said treasurer shall receive all moneys belonging to said district and shall keep them credited to the funds to which they belong, and pay them out only upon the order of the said board of education, signed by the president and clerk.

Said treasurer shall at all times keep his books of account with said district, so they shall at all times show the exact amount of money in each separate fund of said district.

Term of office.

SEC. 4. Said treasurer shall hold his office for the period of one year and until his successor is elected and qualified, and shall receive such compensation for his services as treasurer as shall from time to time be fixed by said board.

SEC. 5. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 23rd, 1895.

H. F No. 134.

CHAPTER 190.

Minnesota Educational association.

An act to provide for the publication of the proceedings of the Minnesota Educational Association.

Be it enacted by the Legislature of the state of Minnesota:

To publish proceedings.

SECTION 1. The state printing commission is hereby authorized and required to publish annually as public matter, five thousand (5,000) copies of the proceedings of the Minnesota Educational Association. The same to be distributed throughout the state by the executive committee of the said association.

Provided, that a copy of the proceedings of the said association shall be filed by the corresponding secretary or other officer of the said association, on or before the twenty-fifth (25) day of February of each year, with the secretary of state.

SEC. 2. This act shall take effect from and after its passage.

Approved February 27th, 1895.

H. F. No. 85.

CHAPTER 191.

Liquor licenses

An act relating to the issuing of licenses for the sale of intoxicating liquors.

Be it enacted by the Legislature of the state of Minnesota:

Limitation.

SECTION 1. No license to sell intoxicating liquors at a place outside of the corporate limits of any incorporated city, village or borough and within a distance of fifteen hundred (1500) feet of any school house of any public or independent school district shall hereafter be issued to any person by the board of county commissioners of any county in this state.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1895.

CHAPTER 192.

H. F. No. 202.

An act to prohibit the sale of cigarettes, cigars or tobacco to pupils attending the public schools, or schools supported wholly or in part by money raised by taxation.

Selling tobacco to pupils.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Any person within this state who sells, gives to, or in any way furnishes, any cigarettes, cigars or tobacco in any form, to any minor person who is a pupil or student in any public school or school supported wholly or in part by money raised by taxation in this state shall be punished by a fine of not more than fifty dollars ($50.00) or imprisonment in the county jail not more than thirty (30) days.

Penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

CHAPTER 193.

H. F. No. 337.

An act to furnish grass seed for distribution in certain counties afflicted by forest fires during the season of one thousand eight hundred and ninety-four (1894), and to appropriate money for same.

Grass seed.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of fifteen thousand ($15,000) dollars, be, and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of this act.

Appropriation.

SEC. 2. It is hereby made the duty of the county auditors of the counties afflicted by forest fires, in the state of Minnesota, wherein the grass and meadows were partially or wholly destroyed by forest fires in the year one thousand eight hundred and ninety-four (1894), to give the notice before the twentieth (20th) day of March, one thousand eight hundred and ninety-five (1895), to the respective town clerks of the several towns in said counties, requiring them to post notices immediately, in at least three of the most public places in each town, notifying all persons wishing to avail themselves of the benefits of this act, to meet at the town clerk's office and file with the said town clerk on or before the fifth (5th) day of April, one thousand eight hundred

Applications—how made.

and ninety-five (1895), an application duly subscribed and sworn to by the applicant before said town clerk or other officer authorized to administer oath;

Provided, that in districts not organized into towns, the said county auditor shall cause such notice to be posted in such unorganized district at such places as he shall deem necessary. And, *provided, further* that the notices herein provided for shall also be published one week prior to the fifth (5th) day of April, one thousand eight hundred and ninety-five (1895), in the official paper of said county.

What to contain.

SEC. 3. The applications provided for in the preceding section shall contain a true statement of the number of acres of meadow owned or controlled by such applicant upon which the grass and grass roots were destroyed by said forest fires during the said season of one thousand eight hundred and ninety-four (1894); and how many acres of said meadow said applicant intends and desires to reseed during the season of one thousand eight hundred and ninety-five (1895). Such application shall further state the amount of hay harvested from said meadow annually, prior to the year one thousand eight hundred and ninety-four (1894), and the amount and kind of grass seed necessary to reseed said meadow and the amount that said applicant desires to obtain from the state under the provisions of this act, and that said applicant has not procured and is not able to procure the necessary grass to reseed said meadows so desired to be reseeded, and that he desires said grass seed for no other purpose whatever, and that he will not sell or otherwise dispose of the same or any part thereof.

Said application shall also contain a full and true description of all real and personal property owned by the applicant and the incumbrances, if any, thereon; and a full description by government sub-divisions of the lands upon which the applicant intends to sow said grass seed.

Town clerk—duties.

SEC. 4. The town clerk of each town shall, on or before the fifth (5th) day of April, one thousand eight hundred and ninety-five (1895), forward all applications made before him to said county auditor of his county, who shall file the same in his office, and all applications by persons residing in any unorganized district shall on or before the fifth (5th) day of April, one thousand eight hundred and ninety-five (1895), file said application in the office of said county auditor.

All applications filed in any county auditor's office, under the provisions of this act, shall be open to public inspection and no application shall be considered by

the board provided for in section five (5) of this act, except such as have been duly made and filed within the time and manner hereinbefore provided for.

Hearing on application.

SEC. 5. The board of county commissioners of each county where the provisions of this act are applicable shall be and are hereby constituted and appointed a board of examination and adjustment of the applications for grass seed under this act, and it shall be the duty of said board to meet at the county auditor's office on the second (2nd) Thursday in April, one thousand eight hundred and ninety-five (1895), to examine and consider the applications that shall have been filed under the provisions of this act, and to determine who are entitled to the benefits herein provided for and the amount of money to which each applicant is entitled, and said board shall, within ten days (10) thereafter, forward to the governor of the state of Minnesota, a statement giving the number of applicants, the name of each applicant, the number of acres of meadow, upon which the grass and grass roots were destroyed by said forest fires in the said year one thousand eight hundred and ninety-four (1894), the number of acres said applicant desires to reseed, and the amount and kind of grass seed necessary to seed the same, and the amount of money necessary to purchase such seed. Such statement shall comprise and include only such applications as have been approved by said board and shall be signed by the chairman of said board of county commissioners and attested by the auditor of said county; *provided*, no applicant shall be allowed an amount exceeding the sum of fifty ($50.00) dollars.

Requisition on the governor.

Duty of governor.

SEC. 6. The governor upon receipt of the statement from such counties, who shall file them with him within the time specified in this act, if the same shall not exceed in the aggregate the sum hereby appropriated for such purpose, shall apportion and distribute the amounts called for to the several counties from which applications have been received, but if the amounts applied for shall exceed in the aggregate the amount herein appropriated for such purpose, then the governor shall apportion and distribute the sum to the counties applying pro rata in proportion to the amounts called for by said counties, respectively, as shown by said statement of the county auditor thereof, and thereupon the governor shall inform each county auditor of the amount so apportioned to his county, and shall authorize the board of county commissioners to purchase grass seed of the kinds necessary to the amount so apportioned and cause the same to be distributed to

the applicants in said county, who are entitled to receive the same under the provisions of this act.

It shall be a misdemeanor for any county commissioner or other officer charged with any duty under this act, to make any gain or profit from any transaction growing out of or connected with the operation of this act.

Duties of county commissioners.

SEC. 7. Immediately upon receiving notice from the governor, of the amount apportioned to their county, the board of county commissioners shall meet at the county auditor's office and re-adjust the application in their county, if necessary, for the grass seed, and apportion the amount that has been allowed to the county, among the applicants approved by the said board pro rata in proportion to the amount required by each, if there shall not be sufficient grass seed to supply all in full, *provided* that after all approved applications for said grass seed in any county are supplied, if there be a surplus the same shall be sold by direction of the board of county commissioners and the sum received therefor shall be turned over to the county treasurer who shall give his receipt therefor and the same shall be placed on file in the office of the county auditor and the said sum so received by said treasurer, shall be by him paid over to the state treasurer who shall receipt for the same to said county treasurer, and said sum so received by the said state treasurer shall be placed to the credit of the general fund of this state.

Duty of county auditor.

SEC. 8. The county auditor of each county shall, as soon as the board of county commissioners shall have performed the duty prescribed in the preceding section, issue to each applicant an order directed to the person who shall be designated by the board of county commissioners, to distribute such grass seed for the number of bushels and kind of grass seed to which each applicant shall be entitled, and upon presentation of the same to the person so designated to distribute such grass seed, he shall deliver to said applicant the amount and kind of grass seed named in such order. And such county auditor shall keep a record in a book kept for that purpose to be provided at the expense of the county, of the names of the persons to whom such orders have been issued, and the amount and kind of grass seed specified in such order.

Penalty for bad faith.

SEC. 9. Any person or persons who shall, contrary to the provisions of this act, sell, transfer, take or carry away or in any manner dispose of the grass seed or any part thereof, furnished by the state as provided in this act, or who shall use any of said grass seed for any other purpose than of seeding his meadow, shall be

guilty of a misdemeanor and upon conviction thereof, before any justice of the peace, having jurisdiction, shall pay a fine of not less than ten (10) dollars nor more than one hundred ($100.00) dollars, or be imprisoned in the county jail for a term of not exceeding ninety (90) days.

SEC. 10. The provisions of this act shall apply only to actual bona fide residents of the county affected thereby.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1895.

CHAPTER 194.

S. F. No. 272.

An act to provide for seed grain loans to farmers in this state whose crops were destroyed by drought or storms in the season of 1894, and to set apart the necessary moneys therefor.

Seed grain loans.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That all moneys remaining unexpended out of the appropriation made by chapter two hundred, twenty-five of the general laws of eighteen hundred, ninety-three, to appropriate money for seed grain loans to farmers of this state who had lost their crops in the season of eighteen hundred, ninety-two, is hereby set apart and made available for the purchase of seed grain for those whose crops were destroyed in whole or in part by drought, hail or other storms in the season of eighteen hundred, ninety-four.

Appropriation.

SEC. 2. Any person desiring to avail himself of the benefits of this act, shall make an application in writing verified by his oath, stating the number of acres of grain he had in crop in the season of eighteen hundred, ninety-four, and the number of acres destroyed by drought, hail or other storm, the number of acres owned or occupied by him, and which he intends to sow to crops in the season of eighteen hundred, ninety-five, and the number of bushels necessary to seed the same, which application he shall file with the auditor of the county in which he resides. It shall be the duty of the county auditor to file all such applications, and on or before March fifteenth he shall give public notice by publication in the official papers in the county at least two weeks before the date of meeting, that the county commissioners of said county will meet at his office at

Application for aid—how made

a date to be named in said notice, for the purpose of considering the applications which may be received on or before the date of such meeting.

The board of county commissioners shall meet at the date so fixed by the auditor, and consider all such applications, and make all necessary inquiries into the circumstances of each applicant, to ascertain that his case comes within the intent of this act, and thereupon shall by resolution fix the amount of money to be allowed to each applicant for the purchase of seed grain; and the said county auditor shall forthwith transmit a certified copy of said resolution to the state auditor, who shall file the same in his office.

Provided, that no applicant who owns in his own right eighty acres of land which is unencumbered shall be entitled to the benefits of this act.

State auditor—duties.

SEC. 3. The state auditor shall on the twenty-fifth day of March, eighteen hundred, ninety-five, consider all of the applications so certified to him as aforesaid, and shall thereupon distribute the moneys made available for this act, between the several counties whose auditors have certified said applications as equitably as may be, but no county shall be awarded a greater sum than is shown to have been so applied for.

Upon such determination by the state auditor, he shall immediately certify and transmit to the several county auditors the amount allowed to his respective county; and in case the amount so allowed is less than the amount so asked, the county auditor shall immediately set apart to each applicant such proportionate amount of his application, as the amount demanded by him bears to the whole amount so allowed.

County auditor—duties.

SEC. 4. It shall be the duty of the county auditor to keep a correct account of the applications and the amount allowed to each under the provisions of this act, and a correct description of the land upon which the crops are to be raised from the seed so provided for; he shall also require every person to whom such loan is made to sign a receipt therefor, which shall embody an agreement on the part of the borrower, that he waives the benefit of any and all exemptions as to the tax to be levied for its repayment, and providing that the county shall have a first lien on the crop to be raised upon the land for which said seed grain is provided and the whole thereof, to the extent of the amount of said loan, and interest thereon at the rate of four per cent per annum which lien shall take precedence of all other liens or claims upon said crop. That said loan shall be repaid on or before November fifteenth, eighteen hundred, ninety-five, to the treasurer to the county in

Loan to be a lien.

which said land is situated, and said treasurer shall keep a separate account of all moneys so collected under this act, and shall transmit the same to the state treasurer the same as state taxes are paid.

Any person availing himself of the benefits of this act, who shall sell or otherwise dispose of any portion of the grain threshed from such crop without first repaying into the county treasury as above provided the amount of said loan, out of the first moneys received from the sale of any part of said grain, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not to exceed one year.

Loan to be a tax—when.

SEC. 5. In case of the loss or failure of any such crop upon which a lien is so reserved for the collection of said seed grain loan, or if the same for any reason remains unpaid, the amount so loaned shall be levied as a personal tax, in the next assessment of taxes after November fifteenth, eighteen hundred, ninety-five, by the auditor, and may be collected as other personal taxes are collected except that there shall be no exemption therefrom as above provided; and when collected shall be transmitted by the county treasurer to the state treasurer with other state taxes, a separate account thereof having been kept and rendered with the remittance.

Shortage—how paid.

SEC. 6. In case the amount or any part of the amount so furnished to any county remains unpaid after the expiration of two years, such amount shall be ascertained by the board of county commissioners and an order issued therefor payable to the state treasurer, out of the general revenue fund of said county.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1895.

CHAPTER 195.

H. F. No. 752.

An act for taking the fourth (4) decennial census of the State of Minnesota.

Be it enacted by the Legislature of the state of Minnesota:

Census to be taken.

SECTION 1. That a census of the population of Minnesota shall be taken as of dates hereinafter provided for.

Census bureau.

SEC. 2. There shall be established in the office of the secretary of state, a bureau to be known of the census bureau of Minnesota, of which bureau the secretary of

state shall be chief or superintendent, and he shall have as his assistants such clerical force as shall be hereinafter provided. The secretary of state, in his official capacity as created by this act, shall be known as the superintendent of census, whose duty it shall be to superintend and direct the taking of the fourth (4th) decennial census of this state, under the rules and provisions of this act, and to perform all duties required of him by law.

Information required.

SEC. 3. The information to be gathered as to enumeration of inhabitants and such social statistics pertaining thereto shall include an enumeration of the inhabitants and a special enumeration of the legal voters residing in each city, town, village or borough, together with a full and complete enumeration of all the soldiers and sailors of the late war residing in the state, and in all unorganized portions of the state, on the first (1st) day of June, one thousand and eight hundred and ninety-five (1895). No enumeration of Indians not entitled to the right of suffrage under the constitution and laws of this state shall be included in this census.

The superintendent of census shall prepare appropriate schedules and blanks for the purpose of an enumeration, which blanks shall provide for distinguishing sex of persons, their respective ages, color, nativity, occupation, persons of foreign parentage, length of time males over twenty-one years (21) of age have resided in this state and in their respective enumeration district, amount of time males over twenty-one (21) years of age have been employed at their regular occupation during the year ending June first (1st) one thousand eight hundred and ninety-five (1895).

The enumeration of the inhabitants shall commence on the first (1) day of June, one thousand eight hundred and ninety-five (1895), and be completed and in the hands of the superintendent of the census not later than July thirty-first (31), one thousand eight hundred and ninety-five (1895).

Enumerators.

SEC. 4. The superintendent of the census shall, for the purpose of securing the information called for by this act, appoint census enumerators for the various civil divisions hereinafter specified, using as a basis of apportionment as to population, the United States census of one thousand eight hundred and ninety (1890), and he shall so apportion the enumeration districts that the provisions of section three (3) of this act shall be faithfully and duly performed.

SEC. 5. The compensation of the enumerators and special agents shall be fixed as follows. Compensation —how fixed.

In enumeration districts where the superintendent of census shall deem such allowance sufficient, an allowance not exceeding two (2) cents for each living inhabitant.

Rates of compensation for all other enumeration districts shall be fixed according to the difficulty of enumeration, having reference to the nature of the region to be canvassed and the density or sparseness of settlement, or other considerations pertinent thereto, but the compensation allowed to any enumerator in any such district, or to any special agent or enumerator, shall not be less than two (2) dollars nor more than three (3) dollars per day of ten (10) hours actual field work each, when a per diem compensation be established by the superintendent of census, nor more than three (3) cents for each living inhabitant.

No claim for mileage or other traveling expenses shall be allowed any enumerator.

The superintendent of census shall keep suitable forms for keeping accounts of the returns made by enumerators and of the time occupied by same in field work, for the purpose of ascertaining the amounts due to the enumerators severally under the provisions of this act.

Provided, however, that the rates of compensation for enumerators in cities of five thousand (5,000) and over shall be one (1) dollar and seventy-five (1.75) cents per hundred and in townships, villages and cities containing not less than five hundred (500) nor more than five thousand (5,000) the compensation shall be two (2) dollars per hundred.

SEC. 6. The boundaries of all enumeration districts shall be along township or ward lines and no enumeration district shall contain more than two townships or wards, except in unorganized towns or counties, in such towns or counties the superintendent of census shall fix the boundaries as he may deem just and proper. Districts.

SEC. 7. In the appointment of enumerators preference shall in all cases be given to properly qualified persons, honorably discharged soldiers or mariners residing in their respective districts, and an applicant's political faith shall be no test of his fitness. Enumerators shall be appointed upon application only, made upon blanks prepared by the census bureau and the superintendent of census shall, in appointing all enumerators be guided largely by the applicant's local recommendations as to fitness and qualifications, and said applicant's petition or application shall bear the endorsement and recommendation of at least three (3) or more citizens known Qualifications of enumerators

Application.

to be of reputable business standing and of good character. No enumerator shall be deemed qualified to enter upon his duties until he has received from the superintendent of census a commission under his hand authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him he shall, moreover take and subscribe the following oath or affirmation: I....., an enumerator for taking the fourth decennial census of Minnesota do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the district assigned to me as provided for in the act for taking the fourth decennial census; and in conformity with all lawful instructions which I may receive, and will make due and correct returns therefor as required by said act, and will not disclose any information contained in the schedules, lists, or statements obtained by me to any person or persons, except to my superior officers.

Enumerator's commission—oath.

(Signed) .....

Which said oath or affirmation may be administered by any judge or clerk of a court of record; or any justice of the peace or notary public empowered to administer oaths: which oath duly authenticated shall be forwarded to the superintendent of census before the date fixed herein for the commencement of the enumeration.

Duties of enumerator.

SEC. 8. It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling house in his district, and each family therein and each individual living out of a family in any place of abode and by inquiry made of the head of such family, or of the member thereof deemed most credible and worthy of trust or of such individual living out of a family to obtain each and every item of information and all the particulars required by this act as of date June first (1st) eighteen hundred and ninety-five (1895).

And in case no person shall be found at the usual place of abode of such family or individual living out of a family, competent to answer inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information as nearly as may be practicable, from the family or families, or person or persons, living nearest to such place of abode.

Same.

SEC. 9. And it shall be the duty of each enumerator to forward the original schedules duly certified, to the

superintendent of census as his returns under the provisions of this act.

Duty to answer questions.

SEC. 10. That each and every person more than twenty (20) years of age, belonging to any family residing in any enumeration district or subdivision, and in case of the absence of the heads and other members of any such family, then any representative of any such family shall be, and each of them hereby is required, if thereto requested by the enumerator to render a true account to the best of his or her knowledge of every person belonging to such family, in the various particulars required by law and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail in his respective county for a period of not exceeding sixty (60) days.

Enumerator—penalty for failure in duty.

SEC. 11. If any enumerator or agent appointed under this act willfully refuses to perform any duty required of him in accordance herewith or fails to forward his original schedules, duly certified to within the time provided by this act, or falsifies or attempts to falsify in any manner his enumeration schedules or reports, he shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail in his respective county for a period not exceeding ninety (90) days, and if any person shall refuse to give the information required by this act to a person authorized to collect the same he shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail in his county for a period not exceeding ninety (90) days.

Fines—how recovered.

SEC. 12. All fines imposed by this act may be recovered in any court of competent jurisdiction and shall accrue wholly to the state.

Revoking commission.

SEC. 13. In case any enumerator or agent shall be found incompetent or derelict in the performance of his duties his commission may at any time be revoked by the superintendent of census, and another enumerator or agent appointed in his place.

Schedules furnished.

SEC. 14. The superintendent of the census shall, on or before the twenty-fifth (25th) day of May next transmit to the enumerator appointed under the provisions of this act, printed schedules in accordance with the provisions of section three (3) and four (4) of this act relating to the population, with such instructions as said superintendent may deem necessary and a notice that the returns upon such schedules must be made to the office of the census bureau on or before the last day of July eighteen hundred and ninety-five (1895).

Employees.

SEC. 15. The superintendent of census shall employ such clerks, copyists stenographers, etc., as he shall deem necessary in compiling, tabulating and publishing the census under the provisions of this act.

Printing reports.

SEC. 16. The expert printer shall under the supervision of the superintendent of the census and his chiefs attend to the printing of all necessary census blanks and all printing needed in conducting the taking of the census, and also that of the publication of the said census reports in book form, all of which printing shall be done as now provided by law. The expert printer shall keep a separate account of all printing done under the provisions of this act, which record shall show the dates of order issued and the kind of form and number of the same printed, and shall have printed thereon marks indicating the date the same were printed, or ordered printed, and the number printed, being a duplicate in part of the record entered in his printing account book. He shall issue no order for any census printing until same are countersigned and approved by the superintendent of census, or authorized assistant. All bills for census printing shall be paid in the same manner as regular state printing bills are now paid, but out of the funds appropriated for census work.

Census headquarters.

SEC. 17. The superintendent of the census is hereby authorized to make such arrangements with the custodian of the capitol for the use of the senate and house chambers and the committee rooms of the state capitol building as may be necessary in conducting the work of taking and compiling the census, and he shall make suitable provisions for the safe storage and preservation of all important census schedules and documents, during the process of taking and publishing said census, and he shall cause to be preserved in the state capitol building all original census schedules and documents after same have been printed, and the thirtieth (30th) session of the state legislature shall make such disposition of the same as it shall see fit. The superintendent of census shall preserve inviolate and intact all census statistics, and shall not allow such statistics or any portion of the same to be made public until same are printed under the provisions of this act. Nor shall any attaches or employers in the census bureau divulge or make public to any person or persons any of the census statistics. Any violation of the provisions of this section shall be punished by a fine not exceeding two hundred and fifty (250) dollars or imprisonment in the county jail for a period of not more than ninety (90) days.

Penalty for disclosing statistics.

Compilation and publication—distribution.

SEC. 18. The compilation and publication of the census shall be completed not later than the first (1st) day of January eighteen hundred and ninety-six (1896) and the superintendent of census shall cause to be published ten thousand (10,000) copies of said census, and shall have one copy sent to every board of trade, chamber of commerce and business or mercantile union or association in this state; one copy to each county auditor and clerk of every city, town or village council and town clerk in this state, and one copy to each and every public and private school library, one copy to each newspaper and periodical published in this state, one copy to each state institution, and shall mail one copy to each member of the present legislature and all state officials, and shall also retain in his office a copy for each member of the legislature which shall convene in eighteen hundred and ninety-seven (1897). All remaining copies shall be retained in the office of the secretary of state and circulated as he may deem most satisfactory.

Report to next legislature.

SEC. 19. The secretary of state shall cause to be published a special report to the next legislature which shall show the number of legal voters, by senatorial districts, residing in this state at the time the census was taken and shall incorporate in his report such other information as he may deem advisable, and he shall receive as a compensation for his services under the provisions of this act, the sum of five hundred (500) dollars.

Bills and expenses.

SEC. 20. All bills and expenses incurred in the taking of the fourth decennial census of this state, shall be vouchered and approved by the superintendent of census, sent to the state auditor who shall issue the proper warrant on the state treasurer for the amount of the said voucher.

Appropriation.

SEC. 21. That the sum of forty-five thousand (45,000) dollars is hereby fixed and limited as a maximum cost of the census herein provided for and it shall not be lawful for the superintendent of census to incur any expense or obligation whatever in respect to said census in excess of that sum, and said sum is hereby appropriated out of any money in the treasury not otherwise appropriated to be immediately available and continually available until the completion of this census. *Provided*, that the superintendent of census shall have authority to employ such office help as is necessary and that their salaries shall be paid out of the foregoing appropriation.

SEC. 22. That the superintendent of census is hereby authorized whenever he may think proper, to call upon any other department or office of the state government,

or any municipal government for information pertinent to the enumeration herein required.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

S. F. No. 583.

CHAPTER 196.

Forest fires.

An act to provide for the preservation of forests of this state and for the prevention and suppression of forest and prairie fires.

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Be it enacted by the Legislature of the state of Minnesota:

Forest commissioner and fire warden.

SECTION 1. The state auditor shall be forest commissioner of this state and his orders shall be supreme in all matters relating to the preservation of the forests of this state and to the prevention and suppression of forest and prairie fires as hereinafter provided.

The supervisors of towns mayor of cities and presidents of village councils are hereby constituted fire wardens of their respective towns cities and villages in the state and the chief fire warden may appoint as fire wardens such other persons as he may deem necessary living in or near to unorganized territory in this state, whose districts, to be known as fire districts he may determine.

Chief fire warden—salary.

SEC. 2. The aforesaid forest commissioner shall appoint a competent deputy to be known as chief fire warden, who, from personal experience, is familiar with the conditions of the forests and methods by which fires may be controlled.

Said chief fire warden shall receive a salary of twelve hundred ($1,200) dollars per year, and shall hold his office during the pleasure of the forest commissioner. He shall represent the authority of the forest commissioner, and it shall be his duty to enforce the provisions of this act throughout the state.

Duties of chief fire warden.

SEC. 3. The chief fire warden shall have general charge of the fire warden force of the state and shall have authority to mass such fire warden force as may be available at any special point to suppress fires.

In case the fire warden force of any locality is deemed by said chief fire warden inadequate to prevent or suppress forest or prairie fires, he may appoint temporarily needed fire wardens whose duties and authority shall be the same as herein given to town supervisors acting as fire wardens.

He shall properly divide into fire districts all unorganized territory in this state and appoint competent fire wardens therein, he shall co-operate with any police or military force of the United States government which may be detailed to guard the national domain from fire, he shall investigate the extent of the forests in the state, together with the amounts and varieties of the wood and timber growing therein, the damages done to them from time to time by forest fires and the causes of such fires, the method used, if any, to promote the regrowth of timber, and any other important facts relating to forest interests, which may be required by the forest commissioner.

The information so gathered, together with his suggestions relative thereto, shall be included in a report to be made by him annually to the forest commissioner.

Distribution of penal laws—posting.

SEC. 4. The forest commissioner shall provide and officially sign an abstract of the penal laws of this act, with such rules and regulations in accord therewith, as he may deem necessary, and on or before the first day of April of each year he shall forward as many copies as he considers needful to the chairman of each town board of supervisors and presidents of villages, to the forest fire wardens that he has appointed and to all railroad companies and to the chairman of each board of county commissioners in this state, and it shall be the duty of said fire warden to post up such abstract as warning placards in conspicuous places, in their respective districts, and it shall be the duty of the county commissioners of each county to cause the said abstract to be published in at least three issues of the official paper in their respective counties during the fire-dangerous season of each year, which shall be reckoned from the fifteenth of April to the first of November.

Provisions against forest fires.

SEC. 5. During a dry and dangerous season, when forest and prairie fires are prevailing or are liable to break out, the chief fire warden shall use such means under his command as he may deem necessary to prevent or suppress such fires and his expenses shall be paid by the state, which expenditures in one year shall not exceed $5,000 to be paid for out of the general revenue fund, upon the order of the forest commissioner.

Same.

SEC. 6. It shall be the duty of each fire warden to take precautions to prevent the setting of forest or prairie fires and when his district is suffering or threatened with fire to go to the place of danger to control such fires, and each forest fire warden shall have authority to call to his assistance in emergencies any able-bodied male person over 18 years of age, and if such person refuses without reasonable justification or

excuse to assist, or if any fire warden refuses or neglects to perform the duties assigned him in this act, such officer or person shall be deemed guilty of a misdemeaor, and shall upon conviction thereof be punished by a fine of not more than one hundred ($100) dollars, or imprisonment in the county jail not to exceed three (3) months.

Authority to enforce this act

SEC. 7. The chief fire warden and the several fire wardens created by this act shall have authority to enforce the provisions of this act and it shall be their duty to co-operate with the fire warden of any adjoining district, and in the absence of such fire wardens to direct the work of control and extinguishment of forest or prairie fires in such district; and to arrest without warrant every person found violating any provisions of this act, and to forthwith take the offender before a magistrate and make complaint against such person.

The chairman of boards of township supervisors, presidents of villages and fire wardens appointed by the chief fire warden shall inquire into the cause of each forest or prairie fire within their districts and shall report the same to the chief fire warden and the methods used to control or extinguish such fires and the amount of property destroyed and the number of lives lost, if any, and report such other facts in regard to said fires as said chief fire warden may require.

During the more dangerous season of the year the chief fire warden may require frequent reports from the chairman of township boards, or in unorganized towns from fire wardens appointed by the said chief fire warden as to the condition of forest and prairie fires and as to what is being done to control the same.

Compensation of fire wardens and others.

SEC. 8. Each fire warden shall receive for his actual services rendered under this act two ($2) dollars per day two-thirds of which shall be paid by the county where such service is performed, and one third by the state; and any employe engaged in like service shall receive at the rate of one and fifty-one hundredths ($1.50) dollars per day, and said expense shall also be paid, two-thirds by the county where such service is rendered, and one-third by the state, as hereinafter provided, but no payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be approved by the board of township supervisors, and shall be audited by the county commissioners, when satisfied of the justice of the claim, and left on file with the county auditor; in case of unorganized townships, the board of county

commissioners alone shall approve and audit such accounts.

The county auditor shall thereupon issue to each claimant his warrant upon the county treasurer for the entire sum to which such claimant is entitled, and the treasurer shall pay the same.

Such county auditor shall transmit the original oath and copy of the warrant to the state auditor, who shall audit such claim, and one-third thereof shall be paid out of the state treasury from the general revenue fund by warrant issued by the state auditor upon the state treasurer in favor of the county thereof paying the same, and forward the same to the auditor of said county.

Provided, that no fire warden shall be paid, in any one year, for more than ten (10) days service in extinguishing and preventing forest or prairie fires, nor for more than five (5) days service in each year in posting notices and making the reports required by this act; nor, in the aggregate, for more than fifteen (15) days service, of whatever character, in any one year; nor shall any one person, employed by fire wardens to assist in extinguishing or preventing forest or prairie fires, be paid for more than five (5) days of such service in any one year.

No county shall expend more than five hundred ($500) dollars of public money in any one year under this act.

Penalty for setting forest fires.

SEC. 9. Any person who willfully, negligently or carelessly sets on fire, or causes to be set on fire, any woods, prairies or other combustible material, whether or not on his own lands, by means whereof the property of another is injured or endangered, or any person who willfully, negligently or carelessly suffers any fire set by himself to damage the property of another, is guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred ($100) dollars, or by imprisonment in the county jail not exceeding three months.

Any person who maliciously sets on fire, or causes to be set on fire, any woods, prairies or other combustible material whereby the property of another is destroyed and life is sacrificed, shall be punished with a fine of not over five hundred ($500) dollars, or be imprisoned in the state prison for a term of not over ten (10) years, or both such fine and imprisonment.

Same.

SEC. 10. Any person who shall kindle a fire on or dangerously near to forest or prairie land and leave it unquenched, or shall be a party thereto, and every person who shall use other than incombustible wads for firearms, or who shall carry a naked torch, firebrand or

other exposed light in or dangerously near to forest land, causing risk of accidental fire shall be punished by a fine not exceeding one hundred ($100) dollars or imprisonment in the county jail not exceeding three (3) months.

Penalty for removing notice.

SEC. 11. Every person who shall willfully or heedlessly deface, destroy or remove any warning placard posted under the requirements of this act shall be liable to a fine not exceeding one hundred ($100) dollars for each such offense, or imprisonment in the county jail not exceeding three (3) months.

Railroads to use spark arresters.

SEC. 12. It shall be the duty of all railroad companies operating any railroad within this state to use efficient spark arresters on all their engines and to keep their right of way to the width of fifty (50) feet on each side of the center of the main track cleared of all combustible materials and safely dispose of the same within said limits of their right of way between the fifteenth day of April and the first day of December. No railroad company shall permit its employes to leave a deposit of fire or live coals, or hot ashes in the immediate vicinity of woodland, or lands liable to be overrun by fires, and where engineers, conductors or trainmen discover that fences or other materials along the right of way or woodland adjacent to the railroad are burning or in danger from fire, they shall report the same promptly at the next telegraph station that they may pass.

In seasons of drought railroad companies shall give particular instructions to their employes for the prevention and prompt extinguishment of fires and they shall cause warning placards furnished by the forest commissioner to be posted at their stations in the vicinity of forest and prairie grass lands, and where a fire occurs along the line of their road they shall concentrate such help and adopt such measures as shall be available to effectively extinguish it.

Any railroad willfully violating the requirements of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one hundred ($100) dollars for each such offense, any railroad employe willfully violating the requirements of this section shall be guilty of a misdemeanor and be punished by a fine of not less than five ($5) dollars, nor more than fifty ($50) dollars.

But this section shall not be construed to prohibit or prevent any railroad company from piling or keeping upon the right of way cross ties or other material necessary in the operation or maintenance of such railroad.

Spark arresters on portable engines.

SEC. 13. It shall be the duty of each and every owner of threshing or other portable steam engines to have efficient spark arresters on their engines at all times when in use, and no person in charge of any threshing engine shall deposit live coals or hot ashes from his engine in any place without putting them out or covering them with at least three inches of earth before leaving them.

All persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than five ($5) dollars nor more than fifty ($50) dollars.

Right of action for damages.

SEC. 14. Nothing in this act shall be construed as affecting any right of action for damages.

Woodland—defined.

SEC. 15. Woodland territory within the terms of this act shall be construed to mean bodies of forest and brush land.

Proceeds of penalties.

SEC. 16. All moneys received as penalties for violating the provisions of this act shall be paid into the county treasury of the county wherein the offense occurred, to be known as the county fire fund and used under the direction of the county board in defraying the expenses of enforcing the provisions of this act within such county.

Reports.

SEC. 17. The forest commissioner shall annually on or before the first day of December make a written report to the governor, of his doings in respect to the duties herein assigned him, together with an itemized account of the expenses incurred in carrying out the provisions of this act; which report shall include such statistics and facts as he has obtained from the chief fire warden and from the several fire wardens of the state and from other sources, together with his suggestions relative to the preservation of the forests of the state and to the prevention and extinguishment of forest and prairie fires.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved April 18th 1895.

H. F. No. 49.

CHAPTER 197.

National guard

An act to organize a medical corps in the National Guard.

Be it enacted by the Legislature of the state of Minnesota:

Medical corps.

SECTION 1. There shall be a medical corps in the national guard of the state of Minnesota under the direction of the surgeon general to consist of one (1) medical director with the rank of lieutenant colonel, three (3) surgeons with the rank of major, and seven (7) assistant surgeons with the rank of first lieutenant, except that an assistant surgeon who has served as such for five (5) consecutive years, shall be eligible for promotion to the rank of captain as hereafter provided.

Medical director.

Provided, that in case of an increase in the number of state troops, the number of the medical corps shall be enlarged in a ratio of three (3) medical officers to a regiment, and one (1) medical officer for single troop of cavalry or battery of artillery.

SEC. 2. The senior surgeon by date of commission now in the National Guard of this state shall be the first medical director, the other two (2) surgeons, and the senior assistant surgeon, by date of commission, shall be the surgeons with the rank of major. The other six (6) assistant surgeons shall retain their present rank until promoted under the conditions hereafter provided.

Promotions.

SEC. 3. Whenever an assistant surgeon has served as such for five consecutive years, he may apply to the surgeon general to be examined for promotion. On receipt of such application the surgeon general shall appoint a board consisting of three (3) members of the corps who shall examine the applicant, and if said board shall report that the applicant is a graduate of a medical college recognized by state medical examining board and is fully qualified, the surgeon general shall recommend the applicant for promotion to the rank of captain, and the commander-in-chief shall commission him as such.

Examinations to fill vacancies

SEC. 4. Vacancies above the rank of captain shall be filled by seniority. Whenever a vacancy occurs in the rank of first lieutenant the surgeon general shall appoint a board consisting of three (3) members of the corps, who shall examine any candidates who may present themselves and who are graduates of a recognized medical college and not over forty-five (45) years of age.

The board shall report to the surgeon general the names of all candidates examined, with their relative standing, and the surgeon general shall report to the commander-in-chief the name of the candidate passing the best examination, and said candidate shall thereupon be commissioned by the commander-in-chief as an assistant surgeon with the rank of first lieutenant, *provided* that the surgeon general reports that said candidate is fully qualified. The surgeon general or in his absence the assistant surgeon general is to administer all matters affecting the health of the troops, issue instructions to medical officers, to preserve health and strength of men to decide and give the hospital accommodations to be provided, to direct the mode of treatment of the sick, prevent epidemics, etc., and exercise such other powers as the necessities of the troops may demand.

Duties of medical director.

SEC. 5. The duties of the medical director shall be to receive the reports from all senior medical officers, see that hospitals are established at suitable places, recommend the best mode of transportation of troops and such other duties as may be delegated to him by the surgeon general. The requisition of medical officers for supplies must be submitted to him for his approval and examination before issued. In case of vacancy in the office of surgeon general or in his absence from his station, the assistant surgeon general may exercise the powers given in this act to the surgeon general. The medical director shall exercise the functions of medical purveyor and medical storekeeper, or may detail some medical officer for this purpose. The medical purveyor shall purchase all medical stores and hospital supplies and shall direct the distribution of drugs, instruments, litters, books, stationary, etc. The medical storekeeper shall have the immediate custody of everything belonging to the medical department, keep an exact report of everything on hand, how and where it has been distributed and furnish periodical reports to the medical director who will in turn send it to the surgeon general for permanent hospital records and as a guide to the proper administration of the department. There shall be an ambulance corps and hospital corps consisting of hospital stewards with the rank of sergeants, not exceeding in all, one (1) for each four (4) companies in the national guard, who shall be appointed by the medical director and shall hold their warrants during his pleasure. Men shall be detailed from each company to act as litter bearers, whose duty it shall be to render first aid to the injured, transportation of the sick and wounded, etc.

Hospital stewards.

SEC. 6. Hospital stewards shall serve as apothecaries, head nurses in hospital and assist the surgeons in keeping records of his department.

Disposition of medical corps

SEC. 7. The medical director shall make such detail for services of members of the medical corps as he may deem necessary.

Uniform.

SEC. 8. The uniforms of the medical department shall be the same as that prescribed by the regular army regulations, except that the state button shall be substituted for that of the United States.

Appropriation.

SEC. 9. There is hereby appropriated fifteen hundred (1,500) dollars to purchase necessary equipments for the medical department and thereafter five hundred (500) dollars, or so much thereof as may be necessary annually for the maintenance of the said equipments.

SEC. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 21st 1895.

H. F. No. 588.

CHAPTER 198.

Water supply.

An act to provide for the raising of water in lakes and condemnation of lands necessary for such purpose.

Be it enacted by the Legislature of the state of Minnesota:

Privilege of damming.

SECTION 1. Whenever the water in any lake in this state becomes so low as to produce disease, or otherwise injuriously affect the health and comfort of people residing in the vicinity thereof, and whenever any ten freeholders residing within two (2) miles of any such lake in this state, being desirous of erecting and maintaining a dam at the outlet of the same for the purpose of raising the water of such lake by means of a dam, or the embankment of any such lake in addition to such dam, or both, so as to overflow or otherwise injuriously affect lands, not the property of said persons, and to maintain the same, and to raise any dam constructed so as to increase such overflow, the right to erect and maintain such dam and embankment, and to overflow said lands, and to use said water for raising said lake may be had and obtained and compensation therefor be made, by proceeding as in this act provided.

Petition to court.

SEC. 2. Said freeholders shall present to the judge of any court of record in which jury trials are had in the county, or if there is no such court in the county then

in the district in which such dam or any part thereof, is to be located, a petition setting forth the place, as near as may be, where said dam is to be located, the height to which it will be raised, and such other facts as are necessary to show the objects of the petition and the necessity for such dam.

Commissioners

SEC. 3. Upon the presenting of such petition, the judge shall appoint three (3) disinterested residents of the county in which said dam, or part of it is to be located, commissioners to meet at the place of its proposed erection, on a day satisfactory to such judge, and to inquire touching the matters contained in said petition and the judge shall fix the fees of such commissioners.

Oath.

SEC. 4. Before entering upon their duties the commissioners shall severally take and subscribe an oath, before some person qualified to take and administer oaths, faithfully and impartially to discharge the duties of their appointment.

Notice of meetings.

SEC. 5. At the request of the petitioners the commissioners shall give, or cause to be given, notice of the time, place and object of their meeting, to every person named by such petitioners.

How served.

SEC. 6. At least five days notice shall be given in all cases, and in case of infants such notice shall be served upon their guardians, or on the person with whom they reside; in case of idiots or lunatics, on their guardian if they have any, and if not, on the person under whose care or charge they may be found; in case of femes covert, on the husband as well as on the feme covert; but notice to non-residents of the county or counties where the dam or a part of it is to be located, shall be published or printed in some newspaper printed or published in the county aforesaid, or if there is none, then in a newspaper printed or published at the capital of the state, for three weeks in succession, previous to the meeting of said commissioners.

Hearing and examination.

SEC. 7. The commissioners shall meet at the time and place specified in the notice, and proceed to examine the point at which said dam is proposed to be located, and the lands and real estate above and below, which will probably be injured by the erection of said dam shall hear the allegations and testimony of all parties interested, and shall proceed to make a separate assessment of damages which will result to any person by the erection of said dam and its maintenance forever.

Report.

SEC. 8. Within thirty (30) days after completing their examination, the commissioners shall file the petition, their appointment, jurats and a report of their doings in the office of the clerk of said court and shall

give notice of the filing of said report to all parties who have appeared in said proceedings.

Assessments—how and to whom paid.

SEC. 9. Upon the filing of said report the petitioners may make payment of the damages assessed to parties entitled to the same in the manner following: First, to parties laboring under no disability; second, to guardians of infants, husbands, or trustees of femes covert; third, to guardians of insane persons; and receipts for such payment filed in the office of the clerk aforesaid, shall estop parties receipting from all further claims or proceedings in the premises. Payments to parties residing in the state, but not in the county or counties where said dam or part of it is to be erected, as well as to the infants who have no guardian and insane persons who have no guardians, and payments to parties residing out of the state, and to persons whose names are unknown, and to persons who refuse to receive the payments when tendered, shall be made by depositing the money with the treasurer of the county aforesaid, who shall pay out the same upon the order of the commissioners, or court, take receipts for all payments and file the same with the order in the office of the clerk of the court aforesaid, and such a deposit shall have the same effect as the first mentioned receipts, unless an appeal is taken by the party entitled thereto; *provided*, that the petitioners may after the filing of the report of the commissioners, tender to any land owner whose land is claimed to be flowed or injured by such dam, any sum not less than the amount found by the commissioners, and if such land-owner shall refuse to receive the same, and upon appeal fails to recover a greater sum than the amount so tendered him, he shall be adjudged to pay all costs arising upon any such appeal subsequent to said tender.

Appeals.

SEC. 10. Appeals from the assessment made by the commissioners may be taken and prosecuted in the court aforesaid by any party interested (the petitioners excepted) not under legal disability, by husbands or trustees of femes covert, guardians of infants, guardians of insane persons, and in cases where infants or insane persons have no guardians, appeals may be taken by the friends of such parties, and a written notice of such appeal shall be served upon the appellee as a summons in ordinary civil actions; *provided*, that no appeal shall be taken after the expiration of thirty (30) days from the time of the notification of the filing of the report aforesaid.

Erection of dam.

SEC. 11. The erection of said dam shall not be hindered, delayed or prevented by the prosecution of any appeal; *provided*, the petitioner executes and files with

the clerk of the court in which the appeal is pending, a bond to be approved by said clerk with sufficient surety conditioned that the person executing the same shall pay whatever amount may be required by the judgment of the court and abide any rule or order of the court in relation to the matter in controversy.

Appeal bond.

SEC. 12. The appellant shall file with the clerk aforesaid, a bond with surety to be approved by the judge of said court and in such sum as such judge shall determine, payable to the state of Minnesota, for the use of all persons interested, in which bond the proceeding appealed from shall be briefly recited with condition for the due and speedy prosecution of the appeal, and that appellant will abide the order or judgment of the court and pay the costs of appeal, if adjudged so to do by the court in reference to the matter in controversy.

Hearing on appeal.

SEC. 13. Appeals bring before the court the propriety of the amount of damages reported by the commissioners in respect to the parties to the appeal; and unless the parties otherwise agree the matter shall be submitted to and tried by a jury as other appeal cases, and the court or jury, as the case may be, shall assess the damages aforesaid, making the verdict conform to the question and the facts in the case.

No exemplary damages.

SEC. 14. No exemplary or vindictive damages shall be allowed by the commissioners, court or jury.

Judgment.

SEC. 15. Upon verdicts rendered by juries, or an assessment by the court, judgment shall be entered declaring that upon payments of the damages assessed by the court or jury, as the case may be, and costs, if any, the right to erect and maintain the dam aforesaid according to the petition, shall, as against the parties interested in such verdict or assessment, be and remain in the petitioners, their heirs and assigns forever, subject to be lost as hereinafter provided and payments of such judgment may be made as payments of assessments by the commissioners as hereinbefore provided. And unless the petitioners shall pay such assessment and cost within sixty (60) days after entry of judgment they shall forfeit all right under their proceeding; and no possession, use or occupancy of the premises described and attempted to be taken under the provisions of this act shall be permitted until payment is made as herein specified.

Costs.

SEC. 16. The costs of all proceedings under this chapter, except such as arise or grow out of appeals, shall be paid by the petitioners, and costs of appeal shall be paid as the court directs.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 698.

CHAPTER 199.

Bakeries.

An act to provide for the sanitary regulation of bakeries and other establishments for the manufacture of bread and other food products.

Be it enacted by the Legislature of the state of Minnesota:

How constructed.

SECTION 1. All buildings occupied for bakeries and confectionery establishments shall be well drained, and all plumbing therein shall be constructed in accordance with well established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture or sale of bread and other food products shall be light, dry and airy. The room or rooms used for the manufacture of bread and other food products shall have floors and side walls so constructed as to exclude rats, mice and other vermin, and said floor and side walls shall at all times be free from moisture, and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement, or of tile laid in cement.

But no floor shall be constructed in any room used for the manufacture of flour or meal food products, where the floor of said room is more than four feet below the level of the street, sidewalk or adjacent ground.

The walls and ceiling of such rooms used for the manufacture of bread and other flour and meal food products shall be whitewashed at least as often as once in three months and the floors, utensils, and furniture of such rooms as are used for the manufacture, storing or sale of said food products and the wagons used for the delivery of said products shall, at all times, be kept in a sanitary clean condition. The furniture and utensils of such rooms shall also be so arranged as that the same can be easily and perfectly cleaned.

Water closets and bed rooms to be separted.

SEC. 2. No water closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread or other flour or meal food products.

The sleeping places for workmen employed in bakeries shall be separate and distinct from the places used in the manufacture of bread and other food products.

While engaged in the manufacture of bread and other flour and meal food products, the workmen in bakeries shall be furnished by their employers with caps and slippers or shoes and an external suit of coarse linen, used for that purpose, only, and these garments shall at all times be kept in a clean condition.

All bakeries shall be provided with ample toilet facilities apart from the utensils used in the preparation of food, to enable the workmen employed therein to keep their persons clean, said bakeries shall also be provided with a separate dressing room to enable the workmen to change their clothes and keep the same in a proper condition.

SEC. 3. After the passage of this act no new bakery shall be established in a room, the floor of which is more than two feet below the level of the street sidewalk or adjacent ground, and no bake shop shall be reopened in such a room where the same has not been used for bakery purposes for a period of over six months.

Infectious diseases.

SEC. 4. No person shall work or be employed in or about any bakery or other establishment for the manufacture of food products during the time in which a case of infectious disease exists in the house in which he resides nor thereafter until the local board of health issues a certificate in writing that no danger of public contagion would result from the employment of said person in said establishment.

Complying with act.

SEC. 5. It shall be the duty of every occupant, whether owner or lessee, of every premise used as a bakery or other establishment for the manufacture of food products to carry out the provisions of this act and to make all the changes and additions necessary therefor.

In case such changes or additions are made upon the order of an officer or employe of the bureau of labor or of a board of health by the lessee of the premises, he may at any time, within thirty days after the completion thereof, bring an action before any justice of the peace, municipal or district court, having competent jurisdiction against any person having an interest in such premises and may recover such proportion of the expense of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Public officer to enforce act.

SEC. 6. It shall be the duty of the state bureau of labor and the boards of health, both state and local, to see that the provisions of this act are enforced.

In cities of five thousand (5,000) inhabitants and over the common councils thereof may for the more per-

fect enforcement of the provisions of this act, provide by ordinance for the issuing of licenses to the owners or managers of bakeries and other establishments for the manufacture and sale of bread and other food products, *provided*, however, that the license fee to be required shall not exceed one dollar for any single establishment per annum.

Penalty for Violation.

SEC. 7. Any person who as owner or manager of a bakery or other establishment for the manufacture of food products, or as a member of a firm, or officer of a corporation so owning or operating such establishment, or as an employe in said establishment, violates or fails to comply with any of the foregoing requirements or provisions of this act shall be guilty of a misdemeanor.

No criminal prosecution shall be made for any violation of the provisions of this act until thirty days after notice, in writing, by an officer or inspector of the bureau of labor or some officer or agent of the board of health, of any change necessary to be made to comply with the provisions of this act, has been served upon the owner manager or officer operating said establishment, and not then, if in the meantime, such changes have been made in accordance with such notification.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 613.

CHAPTER 200.

Fresh meats, fish, fowl and game.

An act to protect the health of the citizens of this state by requiring all dealers, whether wholesale or retail dealers, and others, in slaughtered fresh meats of all kinds, or in fish, fowls or game for human food, or for family use, to protect the same from dust, flies and all other obnoxious, offensive and deleterious insects, vermin or substances, while being transferred from place to place, and to provide for the punishment of offenders for a violation hereof.

Be it enacted by the Legislature of the State of Minnesota.

Dealers to protect from flies and vermine.

SECTION 1. That all persons, firms or corporations, being wholesale dealers in slaughtered fresh meats of all and every kind, or of fish, fowl, or game, as and for human food, or for family use within this state, and also retailers, peddlers, and other persons dealing in the same articles for the same purposes, shall hereafter, in the transportation of any and of all such meats, fish,

fowls, or game from place to place to their customers, whether they be wholesale or retail purchasers thereof, protect all such slaughtered fresh meat, fish, fowls and game from dust, flies and all other obnoxious, offensive and deleterious insects, vermin and substances, which will or may in any manner injuriously affect the same for the purposes of human food, and family use, by securely and properly covering all such slaughtered fresh meats, fish, fowls and game while being so transported, with protectors, either tarpaulins, sheets or other effective covers that will prevent dust, flies or other obnoxious insects, vermin or other things from accumulating or settling thereon.

Penalty.

SEC. 2. Any person, firm or corporation, whether wholesale or retail, dealer, or a peddler or any other person, being dealers in slaughtered fresh meats of any kind, or in fish, fowls or game as and for human food or for family use, who shall violate the provisions of the above and foregoing section shall be guilty of a misdemeanor, and upon conviction thereof before any court having jurisdiction of such offenses, shall be punished by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100), or be imprisoned not less than ten (10) days or more than ninety (90) days.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 201.

S. F. No. 555.

Tainted poultry and game.

An act to suppress the sale at retail of decayed, tainted and unwholesome plucked poultry of all kinds, and of game as hereafter specified.

Be it enacted by the Legislature of the state of Minnesota:

Misdemeanor to sell.

SECTION 1. It is hereby made and declared to be a misdemeanor under the law, for any butcher, grocer, farmer or any other person, firm, corporation or association of persons, to offer or expose for sale at retail, as suitable for human food, and for family use at any public market, store, shop or house, or in or about the public streets of any city, village or town, or elsewhere within this state, any plucked turkeys, geese, ducks, chickens, birds or wild fowls, or any slaughtered rabbits, squirrels or other small animals, either wild or tame, of any description, unless the same have the

entrails, intestines, crops and all other objectionable and offensive parts and portions are fully drawn and removed therefrom, before such turkeys, geese, ducks, chickens, birds, or wild fowls, or slaughtered rabbits, squirrels, or other small animals, either or any of them, whether wild or tame, are exposed and offered for sale at retail, for the purposes herein above specified.

Shipping and storing.

SEC. 2. Whenever any or either of the articles in the preceding section named, when intended for shipment and are shipped either into this state or to outside markets, or for cold storage purposes at any point, either in this state or elsewhere, or when the same, or either of them are offered for sale in wholesale lots, by dealers to cold storage keepers or others, or by cold storage keepers to others, none of the foregoing provisions of the above named section, as to being drawn shall be applicable thereto.

Penalty.

SEC. 3. Any, and all persons, firms, corporations or associations, violating the provisions of section one (1) of this act, by having in his or their possession and offering for sale at retail, as suitable for human food, or for family use as food, any plucked turkeys, geese, ducks, chickens, birds, or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, either wild or tame, from which the entrails, intestines, crops and all other objectionable and offensive parts or portions have not been fully drawn and removed therefrom, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof before any court having jurisdiction of such offenses, shall be punished by a fine not exceeding one hundred dollars ($100), or by imprisonment not exceeding ninety days.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

H. F. No. 455.

CHAPTER 202.

Milk cans.

An act to preserve the public health by requiring dealers in certain cases to empty and wash cans, bottles and vessels used in transporting milk or cream.

Be it enacted by the Legislature of the state of Minnesota.

Shall be washed

SECTION 1. Any person or persons firm or corporation who receives any milk or cream in cans, bottles or vessels which has been transported over any railroad or boat line where such cans bottles, or vessels are to

be returned shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause the said cans, bottles, and vessels to be immediately washed and thoroughly cleansed and aired.

Penalty.

SEC. 2. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (25) dollars or more than fifty (50) dollars or by imprisonment of not less than fifteen or more than thirty (30) days for the first offense and by imprisonment of sixty (60) days for the second and each subsequent offense.

State dairy commissioner.

SEC. 3. It shall be the duty of the state dairy and food commissioner and his assistants experts, chemists and agents by him appointed to enforce the provisions of this act.

Prosecution and penalty.

SEC. 4. In all prosecutions under this act, the costs thereof shall be paid in the manner now provided by law, and such fines shall be paid into the state treasury and placed to the credit of the state dairy and food commissioner's fund.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 203.

H. F. No. 744.

An act relating to the inspection of milk and of dairies and of dairy herds, and to provide for the licensing and regulation of the sale of milk in cities.

City dairies.

95 c 203
86-M - 103
90-NW 309

95 C 203
78-M - 497
81-NW 389

Be it enacted by the Legislature of the state of Minnesota:

Inspection.

SECTION 1. The city council of any city may by ordinance provide for the inspection of milk and of dairies and of dairy herds kept for the production of milk within its limits and issue licenses, for which no fee shall be charged, for the sale of milk within its limits and regulate the same, and may authorize and empower the board of health to enforce all laws and ordinances relating to the production and sale of milk and the inspection of dairies and dairy herds producing milk for sale or consumption within such city, and to appoint such inspectors, experts and chemists as are necessary for the proper enforcement of such laws and ordinances their compensation to be fixed by the city council, and such inspectors, experts and chemists shall be possessed

of such necessary powers within the limits of such city as shall be prescribed by ordinance, but no such ordinance shall conflict with any law of this state.

SEC. 2. Nothing in this act contained shall affect or interfere with any of the powers and duties conferred upon the state dairy and food commissioner or his deputies and agents by any law of this state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

95 C 204
01 - 118

S. F. No. 575.

CHAPTER 204.

Candy.

An act to prevent the adulteration of candy.

Be it enacted by the Legislature of the state of Minnesota:

Shall not adulterate.

SECTION 1. No person shall by himself his servant or agent or as the servant or agent of any other person or corporation manufacture for sale or knowingly sell or offer for sale any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance by poisonous colors or flavors or other ingredients deleterious to health.

Penalty.

SEC. 2. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars ($100) nor less than fifty dollars ($50). All candy so adulterated shall be forfeited and destroyed under direction of the court.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

H. F. No. 45.

CHAPTER 205.

Sugar manufacture.

An act to provide for the encouragement of the manufacture of sugar and paying a bounty therefor.

1899

Be it enacted by the Legislature of the state of Minnesota:

Bounty.

SECTION 1. That there shall be paid out of the state treasury to any corporation, firm or person engaged in the manufacture of sugar in this state from beets, sorghum, or other yielding canes or plants, a bounty of one (1) cent per pound upon each and every pound of

sugar so manufactured under the conditions and restrictions of this act.

SEC. 2. No bounty shall be paid upon sugar not containing at least ninety (90) per cent of crystallized sugar. The quantity and quality of sugar upon which bounty is claimed shall be determined by the secretary of state, with whom all claimants shall, from time to time, file verified statements showing the quantity and quality of sugar manufactured by them, and upon which such bounty is claimed. Standard required.

The said secretary shall, without unnecessary delay, visit or cause to be visited by such person as he shall designate in writing, the factory where said sugar has been produced or manufactured, and take such evidence by the sworn testimony of the officers or employes of such factory, or others, as to amount and quality of sugar so manufactured, as to him, or the person so designated by him, shall appear satisfactory and conclusive. Inspection.

The sugar so manufactured shall be placed by the manufacturer in original packages, which shall be examined and branded by the said secretary, or person by him designated, with a suitable brand, showing the quantity and quality of sugar contained in each of said packages of which an accurate account shall be kept by said inspector, and filed in the office of the secretary of state.

SEC. 3. It shall be the duty of the secretary of the state to appoint a resident inspector at each town where one (1) or more manufactories of sugar may be located in this state, the aggregate output of which factories shall exceed five hundred (500) pounds of sugar per day, and such examiner shall make such examinations, take such evidence and make such records and reports as is specified in section two (2) of this act. Resident inspector.

The compensation or fee for such services of said resident inspector shall not exceed the sum of twenty-five (25) cents per package for each package so branded, nor the sum of five (5) dollars per day for any one (1) day's service, and such resident inspector shall be required to give a good and sufficient bond in the sum of not less than two thousand (2,000) dollars to the State of Minnesota, contingent on the faithful performance of his duties, said bond to be approved by the said secretary of the state. Compensation.

Said fees for compensation, together with the cost of said brand and any and all analysis that the said secretary of the state or other authorized inspectors shall require to be made, shall be borne and paid by the claimant for said bounty.

Payment of bounty.

SEC. 4. When any claim arising under this act is filed, verified and approved by the secretary of the state, as herein provided, he shall certify the same to the auditor of state, who shall draw a warrant upon the state treasurer for the amount due thereon, payable to the party or parties to whom said sum or sums are due.

Provided, that no bounty as herein provided shall be paid before the first (1st) day of January eighteen hundred and ninety-six (1896).

SEC. 5. This act shall take effect and be in force on and after its passage.

Approved April 16th, 1895.

H. F. No. 5.

CHAPTER 206.

Pound fish nets

An act to regulate the use of pound nets in international waters.

Be it enacted by the Legislature of the state of Minnesota:

Licensing use of.

SECTION 1. The board of game and fish commissioners of this state are hereby authorized to license the use, in international waters, of pound nets of the character and subject to the regulations hereinafter contained and to issue licenses for such use, and when said nets are of the character herein allowed and being used in conformity with this act and the license granted by said board, their use is hereby legalized. The size of the mesh of the pot or pound of the pound net shall not be less than one and three-fourths (1¾) inches bar measure or three and one-half (3½) inches extension measure.

Regulations.

Said pound nets may be set in strings; but no string of such nets shall exceed three (3) in number, and the leads of such nets shall in no case exceed the following lengths:

The shore lead, eighty (80) rods and the leads between the pounds or pots, fifty (50) rods in length.

Said net or string of nets shall not be set less than twenty-five hundred (2500) feet apart nor within five hundred (500) feet of the mouth of any stream and for every ten (10) miles of nets set there shall remain an open space of five (5) miles where no nets shall be set, which five (5) miles space shall be in excess of the twenty-five hundred (2500) feet above mentioned.

Application for license.

SEC. 2. Any one desiring to use such net, or string of nets shall, before so doing, make written application for such privilege to the board of game and fish com-

missioners of this state, setting forth therein the name of the applicant, the number of nets desired to be used and an accurate description in detail of each net, the waters in which it is desired to set them and a statement of the location of all other nets then in use in such waters, situated within five thousand (5,000) feet of the place where it is desired to set such nets, which application shall be accompanied by a license fee of ten (10) dollars for each net.

Said board may issue a license to the applicant who shall be a citizen of the United States of America which shall not be transferrable and shall be good for one (1) fishing season only, permitting the use of so many of said nets at the places indicated in said application as it shall deem for the best interests of the state in the matter, retaining ten (10) dollars for each net so licensed and returning the balance to the applicant.

License fees.

All money collected under this act shall be paid into the state treasury. *Provided*, that said board of game and fish commissioners shall not issue to any one person, firm or corporation, or to any one for the use or benefit of such applicant, a license to use more than fifty (50) nets during any single fishing season, and whenever any two (2) or more persons, firms or corporations shall apply for a license to fish in the same locality, the priority of such application shall be determined in such manner as said board may designate. *Provided* further, that no such license shall be issued authorizing the use of any net or nets in international waters between the first day of April and the twentieth (20) day of May during each year, and it shall be unlawfull for any person to assist in placing or place or use any such net during such season.

Reports.

SEC. 3. Each applicant to whom a license is issued shall make a written report at the end of each fishing season to said board, stating the number of nets used and where used by him and the amount in number and pounds of each kind of fish taken by him in each net.

Confiscation of unlicensed nets.

SEC. 4. Any pound net which is being used without a license or any pound net which is being used in violation of a license issued for its use is hereby declared to be and is a public nuisance and it shall be the duty of all the members of the board of game and fish commissioners, game wardens, sheriffs and their deputies, police officers and constables, without warrant or process, to take, seize, abate, and destroy any and all of the same, and no action for damages shall lie or be maintained for or on account of any such taking, seizing, abating or destruction. Any complaint or objection made by any person to such taking, seizure, abating or

destruction shall be prima facia evidence of ownership at the time it was so taken, used, abated or destroyed. It shall also be the duty of said board, game wardens, sheriffs and their deputies, police officers and constables to seize and take any and all fish taken in any such net while being so illegally used, and at once report the seizure to said board, who shall dispose of the same and pay the money received therefor into the state treasury.

Penalty.

SEC. 5. Every person using, aiding or abetting the use of any such net, contrary to the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of one hundred (100) dollars or by imprisonment in the county jail for ninety (90) days for each and every net so illegally used.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

H. F. No. 827.

CHAPTER 207.

Killing game.

An act entitled an act to regulate hunting or killing of game by non-residents of the state of Minnesota, and to provide a license therefor.

Be it enacted by the Legislature of the state of Minnesota:

Non-resident to be licensed.

SECTION 1. That it shall be unlawful for any person not a bona fide resident of the state of Minnesota to pursue, hunt or kill any game bird or animal in the state of Minnesota at any time, without first procuring a license therefor from the board of game and fish commissioners of the state of Minnesota, and having recorded the same in the office of the register of deeds in and for the county in which said game is pursued, hunted or killed.

Same.

SEC. 2. It shall be the duty of the board of game and fish commissioners of the state of Minnesota to issue a license to any person a non-resident of the state of Minnesota whom they shall find to be a careful and prudent person, and accustomed to the use of firearms, to pursue, hunt and kill game in the state of Minnesota, during the open season, for any term hereafter not exceeding one (1) year, ending on the first (1st) day of January of the year next succeeding the application therefor, upon the payment to the treasurer of said commissioners, of the sum of twenty-five (25) dollars. *Provided*, that this act shall apply only to citizens of

such states as have restrictive laws against non-resident hunters.

SEC. 3. Any person violating any of the provisions of this act by pursuing, hunting or killing any game bird or animal shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars, or by imprisonment in the county jail for not less than thirty (30) days or over ninety (90) days for each offense. Penalty.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 208.

S. F. No. 629.

An act to legalize conveyances made by husband and wife by separate deeds of the same real estate. Separate deeds by husband and wife.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That in all cases where a married man has heretofore conveyed real estate belonging to him, by deed legally witnessed, sealed and acknowledged, but not signed by his wife, and his wife has afterward conveyed the same real estate by deed legally witnessed, sealed and acknowledged, but not signed by her husband, to the grantee named in the husband's deed or to his grantees, the conveyance shall be as valid and effectual to pass the title to such grantee as if the conveyance had been made by a single instrument executed by husband and wife. Healing act.

SEC. 2. The provisions of this act shall not effect any action now pending in any court in this state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

apply to any action heretofore commenced or now pending in any of the courts of this state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 27th 1895.

H. F. No. 193.

CHAPTER 212.

Deferred executors deeds.

An act to legalize and make valid sales of real estate made by executors, administrators or guardians under license of the probate court after the time limited in the order of license.

Be it enacted by the Legislature of the state of Minnesota:

Healing act.

SECTION 1. All sales of real property in this state belonging to the estates of decedents made by executors or administrators of such estates, and all sales of real property belonging to any ward made by the guardian of such ward, under an order of license of a probate court of this state, where such sales have been made after the time limited therefor in such order of license, but which have been reported to and confirmed by the probate court issuing such license, if the law in respect of such sale has in all other respects save that as to the time of sale as fixed by the order of license been fully complied with then such sale shall be and they are hereby made as legal and valid in all respects as if said sales had been made within the time limited in order of license:

Provided, that the provisions of this act shall not apply to, or in any way affect, any actions now pending affecting the title to any such real estate.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

H. F. No. 128.

CHAPTER 213.

Deeds by married women by attorney.

An act to legalize certain conveyances heretofore executed by married women by their attorneys in fact.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That where any married woman has heretofore by written instrument, to the execution of

which her husband shall have assented by signing and acknowledging the same, appointed an attorney in fact and thereby authorized said attorney to sell and convey her real estate in this state, and such attorney has, for a valuable consideration paid by the grantee, executed and delivered deeds of the wife's separate real estate in the name of both the husband and wife such deeds shall be as valid and effectual to convey the real estate therein described, as if the woman executing such power had been at the time of the execution thereof, and the execution of such deeds, unmarried. Healing act.

Provided, such deeds were recorded in the office of the register of deeds where the land conveyed lies, prior to eighteen hundred and ninety-three (1893).

And *provided further* that this act shall not apply to powers in which it is expressly provided that the husband shall join in the execution of deeds with the attorney in fact.

SEC. 2. Nothing herein contained shall affect the rights of parties in any action now pending.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30th, 1895.

CHAPTER 214.

S. F. No. 162.

An act to legalize the records of certain certificates executed under and by virtue of section eleven (11), chapter eighty-one (81), title one (1), general statutes 1878, relating to foreclosure of mortgages. Foreclosures.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That no certificate executed under and by virtue of section eleven (11), chapter eighty-one (81), title one (1), general statutes, one thousand, eight hundred and seventy-eight, shall be deemed invalid by reason of the same not having been made, executed, proved, acknowledged, or recorded within the twenty (20) days mentioned in said section, and the record of any such certificate heretofore executed, proved, or acknowledged and recorded after the expiration of said twenty (20) days, is hereby legalized and made valid; and the said record shall have the same force and effect as if said certificate had been executed, proved, or acknowledged and recorded within the said twenty (20) days; *provided* that nothing herein contained shall be construed to apply to any case now pending Healing act.

which involves the legality or validity of any such certificate of sale.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1895.

H. F. No. 546.

CHAPTER 215.

Repealed by Chapt 292 Laws 1897

Chattel redemption.

An act providing for the right of redemption from a sale made by virtue of any chattel mortgage or foreclosure thereof.

Be it enacted by the Legislature of the state of Minnesota:

Foreclosure and redemption.

SECTION 1. No sale shall be made under a power of sale contained in any chattel mortgage, nor any foreclosure had of such mortgage, except after a condition is broken, and the mortgagor of such property or his assigns, shall have the absolute right to redeem said mortgaged property or any portion thereof which may have been sold separately and for a separate or independent price at any time within two (2) days after the making of such sale, upon paying to the purchaser thereof or his assigns, the amount for which the same was sold, with costs and expenses of keeping such property during the time allowed for redemption, and such purchaser at such sale shall thereupon deliver up the custody of such property to such person entitled to redeem the same, executing to him the proper release from such sale, and if notice of intention to redeem be given the person conducting the same at or before the time such sale is made, he shall retain possession of such property for such period, unless sooner redeemed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 216.

S. F. No. 430.

Foreclosure.

An act to provide for evidence of service or attempted service of notice of foreclosure of mortgages on real estate by advertisement.

Be it enacted by the Legislature of the state of Minnesota:

Affidavit of service or vacancy.

SECTION 1. That in all cases where service of notice of the foreclosure of a mortgage on real estate by advertisement has been heretofore or shall be hereafter made or attempted to be made upon the occupant of the mortgaged premises, and an affidavit of such service or attempted service or return of the officer making such service or attempted service shall have been heretofore or shall be hereafter filed for record in the office of the register of deeds of the county in which the land described in such mortgage or some part thereof is situate, such affidavit or return and the original record thereof and certified copies thereof shall be presumptive evidence of such service or attempted service, and of the fact, when such affidavit or return so states, that the land described in the mortgage notice was vacant and unoccupied at the time of such attempted service.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17th 1895.

CHAPTER 217.

S. F. No. 310.

Crimes of corporations.

An act relative to criminal offenses committed by corporations.

Be it enacted by the Legislature of the state of Minnesota:

Indictment.

Service of summons.

SECTION 1. When an indictment against a corporation is filed in any district court, charging such corporation with the commission of a crime, a summons shall be issued by the clerk of the court in which the indictment is found, signed by one of the judges of said court, commanding the sheriff to forthwith notify the accused thereof, and commanding the accused to be and appear before said court within twenty-four hours after the service of such summons upon it.

Such summons together with a copy of the indictment shall be at once delivered by said clerk to said sheriff and by said sheriff at once served and returned in the manner

provided for the service of the summons upon said corporation in a civil action.

When a complaint against a corporation charging it with the commission of a crime is made before any justice of the peace or in any municipal court a like summons shall be issued signed by such justice of the peace, or by the judge of such municipal court, as the case may be, which said summons together with a copy of said complaint, shall be delivered at once to the sheriff who shall at once serve the same in the manner hereinbefore provided.

How tried.

A corporation upon such service being made shall appear within the time limited by said summons by one of its officers or by counsel; and upon such appearance and thereafter the same course shall be pursued as nearly as may be, as upon the appearance of an individual to an indictment, or complaint and warrant, charging him with the same offense.

Upon the failure of such corporation to make such appearance the said clerk justice of the peace or municipal judge, shall enter or cause to be entered a plea of "not guilty," and upon such appearance being made or plea entered the corporation shall be deemed thenceforth continuously present in court until the case is finally disposed of.

Fine—collection.

If the corporation is found guilty and a fine imposed, it shall be entered and docketed by the clerk, justice of the peace or judge of the municipal court as the case may be, as a judgment against the corporation, and it shall be in force and of the same effect and shall be enforced against such corporation in the same manner as if the judgment had been recovered against it in a civil action.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 8th, 1895.

S. F. No. 138.

CHAPTER 218.

Pool selling and book making.

An act to prevent pool selling and bookmaking, and to prescribe the punishment for the violation thereof.

Be it enacted by the Legislature of the state of Minnesota:

Pool rooms.

SECTION 1. Any person who shall keep or occupy any room or building, or any part or portion of any room or building, or shall keep or occupy any booth or tent, or any part thereof, or shall keep or occupy any place

upon any public or private grounds anywhere within this state, with apparatus or books or blackboard, or any other like or different devices or appliances or scheme of whatsoever kind or description for the purpose of making or recording or registering bets or wagers, or of buying or selling pools or combinations of any sort upon the result of any trial or contest of skill or speed or power of endurance of man or beast or bird or machine or upon the result of any game or competition, or of any nomination or appointment or election to or for any office or place whatever, political or otherwise, or upon any event or happening, or pretended event or happening whatever, whether occurring or to occur, or advertised to occur in or out of the state, or any person who shall make or record or register any such bet, or wagers, or shall buy or sell any such pools or combinations upon any such result, event or happening, or any person being the owner, lessee or occupant of any such room or building or part or portion thereof, or of any place whatsoever within the state, who shall knowingly permit the same to be used or occupied for any of the purposes aforesaid, or who shall therein keep, exhibit or employ, or permit to be kept, exhibited or employed, any books, blackboards, charts, cards, or any other like or different device or apparatus or schemes whatsoever for the purpose of displaying or advertising any such game, competition, race or political or other contests or events on which bets are to be made or pools bought or sold, or for the purpose of making or registering or recording any such bet or wagers, or for the buying or selling of any such pools or combinations, or any person who shall become the custodian or depository, for hire or reward or commission or compensation in any manner, of any money, property, pools, or things of value whatsoever, in any manner, staked, wagered, bet or pledged upon any such event or result as aforesaid, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for a term not less than thirty (30) days nor more than one (1) year, or by a fine of not less than $1,000, or both such fine and imprisonment. Penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 468.

CHAPTER 219.

Penal code.

An act to amend section four hundred and sixty-seven (467) of the penal code of the state of Minnesota, relating to receiving deposits in insolvent banks.

95 C 219
83-NW 190

Be it enacted by the Legislature of the state of Minnesota:

Receiving deposits in insolvent banks.

SECTION 1. That section four hundred and sixty-seven of chapter ten (10) of title fifteen (15) of the penal code of the state of Minnesota, relating to the receiving of deposits in insolvent banks, be amended so as to read as follows:

Penalty.

95 c 219
94-M - 384
102-NW 913
98-M - 515
108-NW 953
99-M - 327
109-NW 598

SEC. 2. Any officer, director, stockholder, cashier, teller, manager, member, messenger, clerk, person, party or agent of any bank, banking corporation, association or firm, banking house, savings bank, banking exchange, brokerage deposit company, private bank, or any person, company or corporation, engaged in whole or in part in banking, brokerage, exchange, or deposit business in any way; and any person engaged in whole or in part in such business, who shall accept or receive on deposit (in such bank or banking institution as aforesaid) with or without interest from any person, any money, bank bills or notes, or certificates, or currency, or other notes, checks, bills, drafts or paper circulating as money, when he knows, or has good reason to know, that such bank, banking corporation, association or firm, banking house, savings bank, banking, banking exchange, brokerage, deposit company, private bank, as aforesaid is unsafe or insolvent, or that such person is unsafe or insolvent, and any person knowing such insolvency or unsafe condition who shall be accessory to, or permit or connive at the receiving or accepting on deposit therein or thereby any such deposits as aforesaid, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison not more than ten (10) years, nor less than one (1) year, or by fine not exceeding ten thousand dollars, and not less than five hundred dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 17th 1895.

CHAPTER 220.

S. F. No. 203.

An act to amend section 480 of the penal code.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That subdivision two of section four hundred eighty of the penal code of the state of Minnesota be and the same is hereby amended so as to read as follows:

Penalty for interferring with dam, pier or boom.

"Any person who willfully or maliciously displaces, removes, injures or destroys any pier, boom or dam, lawfully erected, or maintained upon, or in or across any water within this state or any stream forming a boundary of this state, or hoists any gate in or about such dam, is guilty of a felony, and is punishable by imprisonment in the state's prison not more than ten or less than one year, or by a fine of not less than three hundred dollars nor more than one thousand dollars."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21st 1895.

CHAPTER 221.

H. F. No. 135.

An act relating to the descent and distribution of the estates of adopted children.

Estate of adopted children.

Be it enacted by the Legislature of the state of Minnesota:

Law of descent.

SECTION 1. In case any person heretofore or hereafter adopted, either according to the provisions of chapter ninety-one (91) of the general laws of one thousand eight hundred and seventy-six (1876), or in any other lawful manner, shall die intestate, his property both real and personal, acquired by himself or by gift, devise or inheritance from his adopting parent, or from one who in like manner acquired the same from such adopting parent shall descend and be distributed, according to the provisions of the laws in force at the time of the decease of such intestate, among the persons who would have been his kindred if he had been born to his adopting parent in lawful wedlock; and property received by gift devise or inheritance from his natural parents or parent shall descend and be distributed in the same manner as if no act of adoption had taken

place. Such distribution to be ascertained in such manner as the court may decree.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

S. F. No. 586.

CHAPTER 222.

Trust funds of estates.

An act to authorize the making of agreements on behalf of executors, administrators guardians, receivers or other like fiduciaries with their surety or sureties for the deposit of funds and assets for which such sureties may be held responsible.

Be it enacted by the Legislature of the state of Minnesota:

Deposit with trust companies.

SECTION 1. That it shall be lawful for any party of whom a bond or undertaking is required to agree with his sureties for the deposit of any or all moneys for which such sureties are or may be held responsible with a trust company authorized by law to receive deposits, if such deposit is otherwise proper, and for the safe keeping of any or all other depositable assets for which such sureties may be held responsible, with a safe deposit company authorized by law to do business as such, in such a manner as to prevent the withdrawal of such moneys and assets, or any part thereof, except with the written consent of such sureties or an order of the court made on such notice to them as it may direct.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 568.

CHAPTER 223.

Executors' accounts.

An act relating to the allowance of the accounts of executors and administrators.

Be it enacted by the Legislature of the state of Minnesota:

Allowing just accounts not filed in time.

SECTION 1. That in all cases where any executor or administrator has heretofore paid in good faith any debts or claims against the estate which he represents, without the same having been duly approved or allowed

as required by law, and whose final account has not yet been settled, such payments may be allowed by the judge of probate, upon proof satisfactory to said judge of probate that, the said debts or claims, were just and existing demands against said estate at the time of payment. *Provided*, that the notice of settlement of such final account shall state that application will be made for such allowance.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 224.

H. F. No. 532.

An act regulating the taxation of steam vessels, boats and other water craft.

Steam vessels, &c.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That in consideration for an annual payment into the state treasury by the owner of any steam vessel, barge, boat or other water craft, owned within this state, or hailing from any port thereof, and employed in the navigation of international waters, of a sum equal to three (3) cents per net ton of the registered tonage thereof, such payment shall be received in lieu of all taxes and said steam vessel barge boat or other water craft shall be and the same is hereby made exempt from all further taxation either state or municipal, upon the payment of the sum herein provided.

To be taxed—how.

SEC. 2. The owner of any steam vessel barge boat or other water craft hailing from any port of this state, and employed in the navigation of international waters, desiring to comply with the terms of this act shall annually on or before the first day of July file with the state auditor a verified statement in writing containing the name, port of hail, tonnage, and name of owner of such steam vessel, barge, boat, or other water craft, and shall thereupon pay into the state treasury a sum equal to three (3) cents per net ton of the registered tonnage of said vessel, and the treasurer shall thereupon issue his receipt therefor:

How listed.

SEC. 3. The state treasurer shall annually, on or before the first (1) day of December pay into the county treasury of any county wherein is located the port of hail of any steam vessel, barge or other water craft complying with this act one-half (½) of all money so re-

Proceeds.

ceived from any vessel or other water craft whose port of hail is within said county.

SEC. 4. This act will be in force from and after its passage.

Approved April 2nd 1895.

S. F. No. 548.

CHAPTER 225.

Foreclosures.

An act to provide for the protection of purchasers at judicial or foreclosure sales of real estate in the payment of taxes, assessments and insurance premiums becoming delinquent during the year of redemption.

Be it enacted by the Legislature of the state of Minnesota:

Purchaser may insure and pay taxes.

SECTION 1. That in all cases where mortgages have been heretofore or shall be hereafter foreclosed on real estate or execution or judicial sales made thereof, the purchaser at such sale may during the year of redemption in case of the expiration of any insurance policy on the premises sold during the year of redemption pay the premiums on said policy and in case of any delinquent taxes or other assessments accruing during the year of redemption, may pay the same and in all such cases the same with interest thereon shall be and constitute a part of the sum necessary to be paid for redemption from such sale, *provided* that the party making such payment shall make affidavit thereof stating such item thereof in full and describing the real property affected sufficiently to identify the same and both file the same for record in the office of the register of deeds and furnish a copy thereof to the sheriff or other officer making such sale at least ten days prior to the expiration of the year of redemption.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

CHAPTER 226.

H. F. No. 886.

An act to provide for a levy of taxes for state purposes for the years ending July thirty-first (31st), one thousand eight hundred and ninety-six (1896) and July thirty-first (31st) one thousand eight hundred and ninety-seven (1897).

Tax levy.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. For the purpose of defraying the expenses of the state for the fiscal year ending July thirty-first (31st), one thousand, eight hundred and ninety-six (1896), a tax of nine hundred and sixty thousand dollars ($960,000), or as near that amount as practicable, shall be levied on all the taxable property of the state: *provided*, that the tax hereby levied shall not exceed the rate of one and five-tenths mills on each dollar of taxable property.

$960,000 for year ending July 31, 1896.

SEC. 2. For the purpose of defraying the expenses of the state for the fiscal year ending July thirty-first (31st), one thousand eight hundred and ninety-seven (1897), a tax of nine hundred and sixty thousand dollars ($960,000) or as near that amount as practicable, shall be levied on all the taxable property of the state; *provided*, that the tax hereby levied shall not exceed the rate of one and five-tenth mills on each dollar of taxable property.

$960,000 for year ending July 31, 1897.

SEC. 3. All taxes levied under the provisions of this act, when collected and paid into the state treasury, shall be placed to the credit of the general revenue fund only.

General revenue fund.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

95 C 227
83-NW 346

CHAPTER 227.

S. F. No. 79.

An act to authorize the division of organized towns, by board of county commissioners, in certain cases.

Organized towns.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Whenever thirteen or more legal voters residing in any organized town in this state embracing more than two congressional townships, shall petition the board of county commissioners of the county in

Division—petition.

which said town is situated, setting forth the facts that said town is so divided by lakes, rivers, marshes, or other natural impediments, or that by reason of large area it is inconvenient for any considerable part of the citizens of said town to transact town business, and requesting that said town be divided into two or more towns the said board of county commissioners shall immediately appoint a time of hearing upon said petition, and cause to be posted in three public places in said town a copy of said petition and a notice of the time and place of such hearing, and serve a copy of such notice and petition on the town clerk of said town, such notice shall be served and posted at least fifteen days before the day of hearing.

Hearing.

SEC. 2. If upon such hearing said board of county commissioners shall find that the facts are true as stated in said petition, and that the public interest will be subserved by the division of said town, they may thereupon divide such town into two or more towns, in such manner as they deem best adapted to proper transaction of public business.

Division—elections—names, &c.

SEC. 3. Said board of county commissioners shall establish the boundaries of such new towns as may thus be organized, provide for first election of officers therein, and for naming said towns in the same manner as provided by chapter ten of general statutes of the year 1878, for establishing boundaries, naming of and first election of officers in newly organized towns; *provided*, however, that nothing in this act shall be so construed as to release any property in and belonging to any portion of a town so divided from any tax levied or assessed prior to such division being made, or to release or discharge any of said property from the payment of any bonded or other indebtedness existing against said town at the time such division is made.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1895.

State vs Copeland

Unconstitutional 66th Minn

CHAPTER 228. H. F. No. 822

An act to provide for departments of public works and the making of public improvements in cities of over one hundred thousand (100,000) inhabitants.

Department of Public Works.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Each city in the state of Minnesota now or hereafter having more than one hundred thousand (100,000) inhabitants is hereby authorized to maintain a department of public works and to make public improvements within the limits of such city as hereinafter provided.

In cities of more than 100,000.

SEC. 2. Said department of public works shall consist of three branches.

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First—An engineering department.

Second—A commissioner of public works. and

Third—A board of park commissioners.

The head of the engineering department shall be a competent civil engineer to be known as the city engineer. He shall be appointed by the mayor on the second (2d) Tuesday in June of each even numbered year, or as soon thereafter as practicable, and shall hold his office for a term of two (2) years. The city engineer in office when this law takes effect in any city shall continue in office under this act until the expiration of the term of office for which he is elected, and until his successor is appointed and qualified. The city engineer shall within ten (10) days after his appointment take and subscribe an oath to the effect that he will faithfully execute his duties to the best of his ability and he shall also execute a bond to the city with sureties in such sum and upon such conditions as shall be approved by the common council.

How composed

He shall receive a salary of five thousand (5,000) dollars per annum. The city engineer may be removed at any time for cause by a two-thirds (⅔) vote of all the members of the city council.

Salaries.

Whenever the office of city engineer becomes vacant the mayor shall appoint a city engineer for the unexpired term. The city engineer shall appoint a first assistant engineer, who shall receive a salary of twenty-five hundred (2,500) dollars per annum, and he may appoint such further assistant engineers and other employes in his department as the public service require who shall receive such compensation as the common council may determine.

Said assistant engineers and other employes shall hold

their respective positions at the pleasure of the city engineer.

The city engineer shall have the general charge of all the engineering work required by the city. He shall keep a record of all work done by himself or his assistants for any other department of the city government and return the same to the city comptroller and the cost thereof shall be charged to the several departments for which the work was done and credited to the general fund of the city. He shall perform all civil engineering officially required by the commissioner of public works, by the board of park commissioners or any other department of the city, but neither said engineer nor his deputies or clerks or other employes shall perform any other service except that connected with their official duties. Said city engineer shall keep a full official record pertaining to all work in his office, which record shall belong to the city.

Duties of city engineer.

SEC. 3. The city engineer under the direction of the city council and under the direction of the commissioner of public works shall be charged with the construction, control and supervision of all the sidewalks, streets, lanes, bridges, alleys and public levees; and it is hereby made the duty of said engineer at all times to have and keep all the sidewalks, streets, lanes, bridges, alleys and public levees in a cleanly condition passable and safe for public use and travel. And to enable said engineer to satisfactorily perform the duties and work created and imposed by this section, he is authorized to appoint not to exceed six (6) persons to be designated as street commissioners who, under his direction, shall perform such duties as the city engineer shall from time to time prescribe.

Street commissioners.

Said persons so appointed shall at all times be under the supervision of said engineer and shall receive such compensation as the engineer with the consent of the common council expressed by resolution may determine; and in fixing such compensation said resolution shall specify the period for which said compensation shall last, which period shall in no case exceed at any one (1) time six (6) months.

Commissioner of Public Works.

SEC. 4. On the second (2nd) Tuesday in June of each even numbered year, the mayor of the city shall appoint a commissioner of public works. Said commissioner shall be a resident and qualified elector of the city, and shall not hold any other office under the charter or ordinances of the city. He shall hold his office for two (2) years and until his successor shall be appointed and shall qualify as provided in this act. On the taking effect of this act in any city the mayor thereof shall

immediately appoint a commissioner of public works to hold in the interim until the time for the appointment of a commissioner of public works for a full term above provided for. Said commissioner to have all the powers of commissioner of public works herein provided for. In case of a vacancy during a term the mayor shall in like manner appoint a successor to fill the unexpired term.

Salary, oath and duties of commissioner.

SEC. 5. The said commissioner of public works shall receive a salary of three thousand (3,000) dollars per annum, and shall give his whole time and attention to the proper and efficient discharge of his duties imposed upon him by the provisions of this act. Before entering upon the discharge of his duties he shall take and subscribe an oath to the effect that he will faithfully and impartially execute his duties to the best of his ability, which oath shall be filed with the clerk of the city.

The commissioner of public works may appoint a clerk and such other employes as he shall deem necessary for the proper conduct of the business of his office.

Neither the commissioner of public works nor any officer or clerk in his employ shall be interested directly or indirectly in any contract made and entered into by the commissioner of public works for any work or for any materials to be furnished therefor; and all contracts made with said commissioner in which said commissioner shall be so interested shall, at the option of the city be declared utterly void and of no binding effect whatever, and said commissioner shall thereupon forfeit his office and be removed therefrom upon proof of such delinquency; and it is hereby made the duty of the mayor and every officer of said city to report to the common council any such delinquency when discovered.

Penalty for being interested in contracts.

The commissioner of public works or any of his clerks or employes who shall be interested directly or indirectly in any such contract or contracts aforesaid, or any contractor or other person who shall take any such contract or contracts with knowledge of such interest of such commissioner, clerk or employe in such contract or contracts, or who shall corruptly influence or attempt to influence the action of the commissioner or any of his clerks or employes in the letting or making, or entering into any contract, or in the performance of any official duty of such commissioner, clerk or employe, shall be guilty of a misdemeanor and liable on an indictment and conviction thereof to be punished by imprisonment for a period not exceeding six (6) months

or a fine not exceeding one thousand (1,000) dollars or by both such imprisonment and fine in the discretion of the court.

The commissioner may be removed for cause by a two-thirds (⅔) vote of all the members of the common council and not otherwise.

Compensation of clerks.

SEC. 6. The clerks and other employes of the commissioner of public works shall receive such compensation as the council shall determine and shall hold office at the pleasure of the commissioner of public works.

City may condemn land for parks, markets &c., construct the same and assess therefor.

SEC. 7. Any city in this state now or hereafter having over one hundred thousand (100,000) inhabitants is hereby authorized and empowered to condemn land for public parks, public markets, for the opening, widening extending, altering or straightening of any street, levee, lane, alley or highway and to condemn any easement in and across, over or under the property of corporations and others for streets, bridges, approaches, culverts, ditches or sewers, and to condemn an easement in land for the construction of slopes or retaining walls for cuts and fills upon real property abutting on any street, levee, lane, alley or highway now ordered or to be hereafter ordered to be opened, extended, altered, straightened or graded and for change of grade in any street, levee, lane, alley or highway and to abate nuisances, and to drain swamps, marshes and ponds and stagnant pools and to fill the same in said city, and to levy assessments for all the improvements above mentioned, and for such other local improvements as may be ordered by said city upon property fronting upon such improvement, or upon the property to be benefited by such improvement or improvements without regard to cash valuation.

Two or more of said improvements may be combined in one proceeding when deemed proper to do so by the common council.

The provisions of this section shall apply to any and all improvements heretofore ordered as well as to those that shall be hereafter ordered.

May assess for grading, etc.

SEC. 8. Such assessments may be made by any city subject to the provisions of this act for grading, filling, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering and straightening any street or streets, levee, lane, alley or highway, and for a change of grade in any of the same; and also for the condemnation of land for public parks, public markets and for an easement in land across, over and under the property of corporations and others for streets, bridges, approaches, culverts and ditches, and for an easement

in land for the construction of slopes or retaining walls, for cuts or fills in any street, levee, lane, alley or highway, which has been or shall hereafter be ordered to be opened, extended, widened, altered or straightened, and for a change of grade in any of the same; and also for keeping the same in repair; also for filling, grading, protecting, improving and ornamenting any public park, square or grounds now or hereafter laid out; also, for planting and protecting shade and ornamental trees and for constructing grass plats or boulevards, or the setting of curbs in any public street, lane or highway, also to abate nuisances, and to drain swamps, marshes and ponds and pools of stagnant water, and to fill the same; also for constructing, laying and repairing crosswalks and sidewalks, retaining walls and walls, gutters, sewers and private drains and enlarging all of the same; also for street sprinkling, street sweeping, and also the abatement of any and all public nuisances within the limits of said city; and the city is also empowered to combine two or more of any of said improvements in one proceeding.

Expense to be assessed on frontage of real estate benefited.

SEC. 9. The expense of any improvement mentioned in the foregoing sections shall be defrayed, save as otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the the real estate fronting thereon to be levied in the manner hereinafter prescribed.

Provided, that cross foot walks over public streets, lanes, or alleys and sidewalks adjacent to public squares, public grounds and public parks, shall be paid out of the general fund of the city, and that all or any part of the expense of improving or ornamenting public grounds squares and parks may if deemed expedient be paid out of the general fund of the city, or the park fund as hereinafter prescribed.

Provided, also, that any assessments for any of the above named local improvements which shall be apportioned or levied against public property or property otherwise exempt shall be paid out of the general fund of the city.

Assessments to be made by commissioner.

SEC. 10. All assessments for local improvements aforesaid, as herein provided for shall be made by the commissioner of public works.

Applications for improvements—how made.

SEC. 11. All applications or propositions for any improvement or improvements herein provided for except for condemning land for public parks shall be made to or emanate from the common council of the city and shall be first referred to the commissioner of public works by the common council,

Steps in ordering an improvement.

Provided, that any such application made to such council shall be in writing and said council shall not be required to proceed farther with any such application by reference to the commissioner of public works or otherwise unless said council is satisfied that the owners of at least one-half (½) of the property fronting and abutting upon the line of the said proposed improvement resident within the same county have subcribed to such application, and upon such reference said commissioner shall proceed to investigate the same and if he shall determine that such improvement is necessary and proper he shall report such determination to the common council accompanied with an estimate of the expense thereof and a plan or profile of the contemplated improvement and a further order directing the work to be done.

In said report he shall also state whether property can be found benefited to the amount of the assessment necessary to defray the expenses of the improvement referred to him by the council, or if he shall report a modification thereof, of the improvements he recommends.

He shall also state whether a majority of the owners of the property to be assessed therefor have petitioned for such improvement.

Such reference shall not be necessary in the case of street sprinkling.

Provided further, that it shall not be competent for said common council to order any improvement made against the report of said commissioner when the commissioner has assigned as a reason for his adverse report that property cannot be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby.

In case said commissioner shall report in favor of said improvement or of a modification thereof, and that the same is necessary and proper, and that property can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby (less the proceeds of bonds if any applicable thereto) the common council may in its discretion unless otherwise provided for in this chapter, by a two-thirds (⅔) vote of the whole number of said council, (a two-thirds (⅔) vote of the whole number of each body shall be required when the council consists of more than one body), order the doing of the said work, or the making of said public improvement as aforesaid.

Provided further, that it shall be competent for the commissioner when an improvement is referred to him for investigation and report to recommend any modifi-

cation thereof and he may include in his recommendation the making of other improvements in connection therewith if he shall also report that property can be found benefited to the extent of the assessment necessary to be levied to pay for the same.

The report of the commissioner shall be advisory to the common council and they may in their final orders modify the character of the improvement referred to said commissioner or recommended by him.

It is *further provided* however, that the common council shall in no case order the doing of any such work or the making of any such improvement or improvements unless in their opinion real estate to be assessed for such work and improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby.

When two or more improvements are ordered to be done under one order they shall be included in one contract.

Before any final order for the doing of any work is made under this section the members of the body of the common council acting on the same, save in matters of sidewalks and street sprinkling, shall examine the general plans and profiles therefor and the presiding officer shall introduce such plans and profiles and make declaration of such indorsement to such body.

But such examination and indorsement shall not be deemed jurisdictional in proceedings to assess property for such improvement.

No crosswalks shall be built until the same shall have been referred to the commissioner and said commissioner has reported in favor thereof.

To determine benefits and damages.

SEC. 12. When any order is passed by the common council by virtue hereof for the making of any public improvement herein provided for which shall require the appropriation or condemnation of any land or real estate the said commissioner shall as soon as practicable proceed to ascertain and assess the damages and recompense due the owners of such land and at the same time to determine what real estate will be benefited for such improvement and assess the damages together with the cost of the proceedings on the real estate deemed by him benefited in proportion as nearly as may be to the benefit resulting to each separate lot and parcel thereof.

Notice of assessment. Hearing.

SEC. 13. Said commissioner shall then give fifteen (15) days notice by one publication in the official newspaper of the city of the time and place when he will make said assessment in which notice he shall specify what such assessment is to be for and shall describe the

land to be condemned as far as can be done by general description and all persons interested in any such improvement shall have the right to be present and heard either in person or by counsel, and the legal advisor of the city shall be permitted to appear before said commissioner at such hearing to represent the interests of the city.

In such notice the commissioner may specify generally what property will be assessed and if at the hearing additional property shall be included in the assessment or part of the property excluded from it no new notice shall be necessary.

The said commissioner shall review the premises to be condemned and receive any legal evidence that may be offered for the purpose of proving a true value thereof or the damages that will be sustained or benefits conferred by reason of the contemplated improvement; and said commissioner for this purpose is hereby authorized to administer oaths to all witnesses produced before him and he may adjourn the meeting from time to time and from place to place until such assessment is completed; and said commissioner shall have authority to send for persons and papers and to compel the attendance of witnesses and shall have authority to issue subpœnas under his seal.

To assess benefits, &c.

SEC. 14. The said commissioner in making said assessment shall determine and appraise to the owner or owners the value of the real estate appropriated for the improvements and the damages arising to them respectively from the condemnation thereof, which shall be awarded to such owner or owners respectively as damages after making due allowances therefrom for any benefits which such owner or owners may respectively derive from such improvements, and said sum so awarded shall bear interest at the rate of seven (7) per cent per annum from and after the date of the confirmation of the assessment therefor as hereinafter provided for until paid.

Interest.

Condemnation—when completed.

The condemnation taking and appropriation of any real property or an easement therein for any improvement mentioned in section seven (7) of this act shall be deemed in law to be done and fully consumated upon the confirmation by said commissioner of the assessment of damages and benefits therefor.

Difference between benefits and damages to be collected or paid.

SEC. 15. If the damages to any person be greater than the benefits received or if the benefits be greater than the damages, in either case the said commissioner shall strike a balance and carry the difference aforesaid to another column so that the assessment may show what amount is received or paid by such owners respec-

tively, and the difference only shall in any case be collectible of them or paid to them.

Value of land considered.

SEC. 16. In the assessment of damages and benefits for the opening of any street, levee, lane, highway or alley, it shall be lawful for the said commissioner of public works in his discretion in making such assessment when part of the land to be laid out in such street, levee, lane, highway or alley has been heretofore donated by any person or persons for such street, levee, lane, highway or alley to appraise the value of the land so donated and to apply the value thereof as far as the amount so appraised shall go as an offset to the benefits assessed against the person or persons making such donation or those claiming under them; but nothing herein contained shall authorize any person or persons by whom such donation is made to claim from the city the amount of such appraisal, except as an offset as herein provided.

And when the assessment is one for the widening of any street which may have been theretofore either in whole or in part donated to the public by the proprietors of the adjoining land it shall also be lawful for such commissioner of public works in his discretion to make such allowance therefor in his assessment for benefits as shall in his opinion be equitable and just.

Damages to building.

SEC. 17. If there should be any building standing in whole or in part upon the land to be taken the said commissioner of public works shall add to the estimate of damages for the land, the damages for the building or part of the building necessary to be taken if it be the property of the owner of the land.

When owned by any other person the damages for the building shall be assessed separately.

The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by said commissioner of public works, and notice of such determination shall be given by him to the owner when known, if a resident of the city or left at his usual place of residence or abode.

If the owner is not known or is a non-resident ten (10) days notice by one (1) publication to all persons interested shall be given in the official paper of the city.

Such owner may at any time within ten (10) days after such notice, notify the commissioner of public works in writing of his election to take such building or part of building at his appraisal: and in such case the amount of such appraisal shall be deducted by the commissioner of public works from the estimated damages for the land and building, when they belong to the same owner, and from the estimated damages

for the building when they belong to different owners; and the owner shall have such time for the removal of such building after the confirmation of the assessment as the commissioner of public works may allow.

If the owner shall refuse to take the building at the appraisal or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid and the said commissioner of public works shall after the confirmation of the assessment and after the money is collected or otherwise provided and ready in the hands of the treasurer, to be paid over to the owner for his damages, proceed to sell such building or part of building at public auction for cash, giving ten (10) days notice of sale by one (1) publication in the official paper of the city, and cause such building to be then forthwith removed.

The proceeds of such sale shall be paid into the city treasury to the credit of the local improvement fund.

Different owners—separate valuation.

SEC. 18. If the land and buildings belong to different persons, or if the land be subject to lease, the damages due to such persons respectively may be awarded to them by the commissioner of public works less the benefits resulting from them respectively from the improvement.

To assess after determining damages and expenses.

SEC. 19. Having ascertained the damages and expenses of such improvement as aforesaid, the said commissioner of public works shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by him deemed benefited in proportion to the benefits resulting thereto from the improvement, as nearly as may be, and shall briefly describe the real estate upon which such assessment may be made; and it shall constitute no legal objection to such assessment, that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the commissioner of public works.

SEC. 20. When completed said commissioner of public works shall cause to be given ten (10) days notice by one (1) publication in the official paper of the city to the effect that such assessment has been completed and that at a time and place therein specified said commissioner will attend for the purpose of hearing objections and that all such objections must be filed in writing with said commissioner at least one (1) day prior to said time above specified, and that unless sufficient cause is shown to the contrary the same will be confirmed; and when so confirmed it shall be entered in a book kept for that purpose.

Hearing after assessment completed.

All objections shall be in writing and filed with the said commissioner at least one (1) day prior to the time specified in said notice. Objections in writing.

Provided, however, that said commissioner may in his discretion allow any party interested who has accidentally or inadvertently omitted to file his objections aforesaid to do so at the time fixed for the hearing of said objections named in the said notice.

Should the said commissioner not be present at the time and place appointed the said proceeding may be adjourned by the clerk of said commissioner to such other convenient time and place as may be deemed expedient.

Provided, further, that nothing herein contained shall preclude the said commissioner from causing a new notice aforesaid to be given specifying a time and place at which he will attend for the purpose of hearing objections to said assessment and for the confirmation thereof in the manner as before required, in case the previous notice shall be found imperfect or in case of the absence of said commissioner or for any other reason which shall be satisfactory to said commissioner for so doing. New motion.

The said commissioner shall have the power to adjourn such hearing from time to time and shall have the power in his discretion to revise and correct the said assessment and to confirm or set aside the said assessment and proceed to make an assessment de novo without any further order from the council. The said assessment when confirmed shall be final and conclusive upon all parties interested therein, except a hereinafter provided. Adjournment.

When said assessment is confirmed, a warrant under the seal of said commissioner shall issue to the treasurer of said city for the collection of the same from the property on which the same has been assessed, signed by the mayor the said commissioner and the city comptroller. Warrants.

If said assessment shall be set aside by the said commissioner as aforesaid, or by the court the said commissioner shall proceed de novo without any further order from the council to make another or new assessment, and he shall proceed in like manner and give like notice as herein required in relation to the first and all parties in interest shall have like rights; and the said commissioner shall perform like duties and have like powers in relation to any subsequent determination as are hereby given in relation to the first. Assessment *de novo* when set aside.

Provided, however, that if judgment shall be obtained against any lot or lots or parcels of land assessed benefits, or if the damages assessed against any parcel or

parcels of land shall not be appealed from or shall not have been set aside in any subsequent assessments or reassessments the said commissioner may omit the pieces or parcels of land as to which the first assessment shall not have been set aside, or on which said assessment shall have been paid and as often as an assessment or reassessment is denied against any piece or parcel of real estate assessed for any local improvement the same shall be reassessed until said property shall have paid its proper proportionate share of benefits accruing from said improvement.

Notice of confirmation.

As soon as practicable after an assessment of damages has been confirmed and entered the said commissioner shall cause a brief notice by one (1) publication of the fact of such confirmation and entry to be published in the official paper of said city.

Appeals.

SEC. 21. Any person whose property has been appropriated and who has filed objections to such assessment as hereinbefore provided shall have the right at any time within ten (10) days after the publication of said notice provided for in the next preceding section to appeal to the district court in which such city is situated from the order confirming said assessment.

Said appeal shall be made by filing a written notice with the commissioner of public works specifying the name of the court in which the appeal is taken and a description of the property of said appellant so appropriated and the objections of said appellant to such assessment, and by filing with the clerk of said court within ten (10) days thereafter, a copy of said notice of appeal and objections together with a bond to the city conditioned to pay all costs which may be awarded against the appellant in such sum and with such sureties as shall be provided by the judge of said court, or in case of his absence or inability to act, by the judge of any court of record in this state, together with a copy of such notice with the date of filing thereon certified by said commissioner. In case of an appeal a copy of the assessment roll as confirmed aforesaid and of the objections as aforesaid made to the confirmation thereof certified by said commissioner shall be filed in the office of the clerk of court to which such appeal shall be taken, and the cause be docketed by such clerk in the name of the person taking such appeal against the city as an "appeal from assessments." The said cause shall then be at issue and it may be brought on for hearing by either party and shall have the preference in order of trial over all civil cases pending in said court. Such appeal shall be tried in said court as in the case of other civil causes except that no pleading shall be necessary

and on such trial the only question to be passed upon shall be whether the said commissioner had jurisdiction in the case, and whether the valuation of the property specified in the objections is a fair valuation and the assessment so far as it affects such property is a fair and impartial assessment.

The judgment of the court shall be either to confirm or annul the assessment in so far as the same affects property appropriated aforesaid of the said appellant, from which judgment no appeal or writ of error shall lie. Costs and disbursements may be taxed upon said appeal as in other civil cases, but the judgment entered therefor against said city shall be a separate judgment and paid out of the general fund of said city.

When condemnation completed.

SEC. 22. When such assessment shall have been confirmed the same shall be a lawful and sufficient condemnation of the land ordered to be appropriated, and of every right, title, estate, lien and interest therein except as to those who have appealed therefrom as provided by section 21 of this act.

The city shall thereupon cause to be paid to the owner of such property the amount of damages over and above all benefits which may have been awarded therefor within six (6) months after the date of the confirmation of such assessment with interest at the rate of seven (7) per cent per annum.

In case of doubt as to title—bond.

If in any case there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond with good and sufficient sureties to hold the city harmless from all loss, costs and expenses in case any person should claim such damages. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city in fee simple. When sufficient money has been collected and if in the treasury ready to be paid out for damages assessed the city treasurer shall publish a notice to that effect in the official paper of said city by one publication. The damages assessed shall cease to draw interest at the end of the period of thirty (30) days after such publication. *Provided*, however, that when it may be necessary to condemn any land for the opening, widening or extension of any street over which any stream or water runs, and which the owner thereof may desire to utilize as a water power, the common council, upon being advised of such fact, may order the taking and condemnation of the necessary land for such street, with the reservation that the owner of such land shall have the right to construct flumes or millraces across, through or under said street,

and construct dams above and below said street and to flow said land;

Flumes, dams, &c.

Provided further said flumes, races, dams or flows shall be so constructed and used as not to obstruct public travel on said street. It shall be the duty of the clerk or recorder of the city to cause all deeds taken by the city for land acquired by condemnation to be recorded without delay and said clerk or recorder shall be the custodian thereof. In case no deed is given it shall be the duty of the clerk or recorder to cause the county auditor and city treasurer to be notified of the title so acquired by the city, giving to each of them a description of the land so acquired, and it shall be the duty of the register of deeds of the county in which such city is situated to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

May occupy upon confirmation.

SEC. 23. The city shall have the right to enter upon and take possession of the lands and property ordered to be condemned or of any easement therein and to appropriate such land, property or easement to the purposes for which the same is condemned upon the confirmation of the assessment as hereinbefore provided. In case an appeal shall be taken from the confirmation of such assessment the same shall not delay the right of the city to enter upon and appropriate the property condemned.

Leases and mortgages to cease.

SEC. 24. When the whole of any lot or parcel of land or other premises under lease, mortgage or other contract shall be taken for the purposes aforesaid by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, mortgagor and mortgagee or any other contracting parties touching the same or any part thereof shall upon the confirmation of said assessment as provided in the foregoing section respectively cease and be absolutely discharged.

To remain valid on other lands covered.

SEC. 25. Where part only of a lot or parcel of land or other premises so under lease mortgage or other contract shall be taken for any of the purposes aforesaid by virtue of this act all the covenants, contracts, agreements and engagements respecting the same upon the confirmation of said assessment shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof and the rents considerations and payments reserved payable and to be paid for in respect to the same shall be so apportioned that the part thereof justly and equitably payable for such residue thereof and no more shall be paid and recoverable for the same.

Records of proceedings.

SEC. 26. All the proceedings taken by the said commissioner of public works in carrying out the provisions of this act shall be recorded in a book or books kept for that purpose in the office of the said commissioner describing particularly the respective improvements, all real estate taken and assessed. The said book in which said proceedings have been entered aforesaid and the official files and papers of said commissioner of public works shall be deemed public records and be prima facie evidence of the facts therein stated and certified copies thereof by the said commissioner with his seal attached shall be evidence in all the courts to the same effect as if the original were produced.

Sidewalks—proposals.

SEC. 27. It is hereby made the duty of the commissioner of public works of the city annually to cause proposals to be published in the official paper of said city in the same manner and for the same length of time as in the case of other public improvements for the construction, repair and relaying of such sidewalks as may be ordered built, repaired or relaid by the common council between the first day of April and the first day of November of each year.

Provided, however, that the commissioner of public works may whenever in his opinion the public interests will be subserved thereby cause proposals for bids to be published in the official paper of said city in the manner hereinbefore prescribed and let a separate contract for the construction, repair and relaying of wooden sidewalks and also one or more contracts for the construction, repair and relaying of sidewalks of stone, brick, cement, asphalt, composition or other permanent material. General plans and specifications applicable to all sidewalks that may be ordered built, repaired or relaid during the year by said common council shall be made and filed with the commissioner of public works at least ten (10) days before the day named for the receipt of said bids by the said commissioner of public works and said work shall be let and placed under contract. The bids for the construction, repair and relaying of said sidewalks shall be accompanied by a bond to the city in the sum of five thousand dollars ($5,000) executed by the bidder and two (2) responsible sureties conditioned that he will enter into, and execute a contract to perform the work for the price mentioned in his bid according to the plans and specifications in case a contract shall be awarded him and in case of default on his part to execute the contract and perform the work said bond may be sued and judgment recovered thereon by said city for the full amount thereof as liquidated, damages in any court having jurisdiction of the amount.

Proceedings in laying sidewalks.

Provided. That the question of what constitutes the lowest reliable and responsible bidder must be determined by said commissioner of public works independent and exclusive of the bond required by this section whenever said council shall order the construction of such sidewalks a copy of such order shall be transmitted to the commissioner of public works whose duty it shall be without any unnecessary delay to transmit said order to the person or persons having the contract for the construction, repair or relaying of sidewalks for the time being who shall without any unnecessary delay cause the sidewalks so ordered constructed, relaid or repaired by the common council to be built, relaid or repaired as the case may be, and it shall be the duty of the city engineer within five (5) days after having been notified by said contractor of the construction, repair or relaying of said sidewalks to examine the same, and if the said sidewalks shall be found to be constructed, repaired or relaid in accordance with the contract therefor to report the fact to the commissioner of public works who shall cause an assessment to be made as hereinafter provided.

Notice.

The said commissioner shall give ten (10) days notice by one (1) publication in the official paper of the city to the effect that at a certain time and place he will proceed to make an assessment for the constructing, relaying or repairing said sidewalks.

Said notice shall briefly describe the location and nature of said improvements by streets. The commissioner of public works is authorized to make an assessment for such construction, relaying or repairing of the sidewalks as frequently as once a month and may include in said assessment all sidewalks laid and reported to him by the engineer up to the time of the giving of said notice for said assessment. The said commissioner shall assess the amounts as nearly as he can ascertain the same which will be required to defray the costs of such improvement including the necessary expense of making and collecting such assessment upon the real estate or lots of land fronting on said improvement. In making said assessment the said expense and costs

Assessment.

shall be apportioned in accordance with the number of lineal feet of said real estate or lots of land fronting on said improvements as aforesaid. When said assessment is completed the said commissioner shall give six (6) days notice by one publication in the official newspaper of the city to the effect that at a time and place therein specified said assessment will be confirmed unless sufficient cause is shown to the contrary, and the objections must be filed one (1) day before the time specified in

said notice, with the said commissioner. Such objections shall be made and filed in the same manner and the said commissioner shall proceed in hearing the same and shall have the same power to revise, correct, confirm or set aside such assessment or to proceed de novo as provided in section twenty (20) of this act.

Said assessment when confirmed shall be final and conclusive and no appeal shall lie therefrom. A warrant shall issue for the collection thereof and said assessment shall be enforced and collected as other assessments made under this chapter. Confirmation.

Whenever the said contractor shall fail to build repair or relay any sidewalk within the time designated by the said commissioner or in any other respect fail to comply with the terms of said contract the said commissioner shall have power to furnish and use men and material to complete the work and charge the expense to the contractor and the same shall be deducted from any money due or to become due to such contractor or may be collected from him by suit by said city, or said commissioner may readvertise for bids for the completion of the uncompleted part of said contract under an order from the council therefor and let a contract in the same manner as hereinbefore provided in the original contract. The decision of the said commissioner that said contractor has failed to comply with the said contract shall be final and conclusive as between said commissioner and the city, and the defaulting contractor and his bondsmen shall be liable to the city for all damages resulting from such failure to carry out his contract and all additional expense and cost of construction under the new contract. Estimates.

In case said contractor shall proceed to properly perform his said contract and all the provisions, clauses, matters and things therein contained the said commissioner may upon said contractor filing with the city engineer an affidavit that all of the work, labor and material for which an estimate is asked is fully paid for from time to time as the said work progresses grant to said contractor every thirty (30) days an estimate of the amount already earned, reserving however fifteen (15) per cent therefrom, *Provided* however, that said fifteen (15) per cent shall be included in the final estimate allowed said contractor.

Provided further, that nothing in the foregoing section shall be construed to prevent any property owner from constructing his or her own sidewalk under the authority and direction of the city engineer if said sidewalk shall have been constructed before a sidewalk has been ordered in front of the property by the common Owner may construct.

council. After it has been ordered the property owner shall have no authority whatever in the premises to construct said sidewalk, but the same shall be built by the city as provided by law.

Order by council sent to commissioner.

SEC. 28. Whenever an order shall be finally passed by the common council of the city as hereinbefore provided for filling, grading, leveling, paving, curbing, wailing, bridging, graveling, macadamizing or planking any street, levee, lane, alley or highway, or for keeping the same in repair or for filling, grading, protecting, improving or ornamenting, any public square or for constructing area walls, gutters, sewers and private drains or the setting of curbs in any public lane or highway, or for abating nuisances, draining swamps, marshes and ponds and pools of stagnant water and to fill the same the city clerk, shall transmit a copy of such order of said council to the said commissioner of public works.

Commissioner to let work.

The said commissioner shall cause the said work to be let and done as hereinafter provided, and after the whole of said work shall have been placed under contract the said commissioner shall thereupon proceed without delay to assess the amount as nearly as he can ascertain the same which will be required to defray the cost of such improvement, including the necessary expense of making such assessment in proportion as nearly as may be to the benefit resulting thereto in manner hereinafter stated; *Provided*, however, that the repairing of any street, levee, lane, alley, highway, public grounds bridges or sewers the cost of which repairs is estimated not to exceed the sum of two hundred (200) dollars may be done under the direction of said commissioner and the cost thereof paid out of the general fund; and *provided, further*, that nothing herein contained shall prevent said common council of said city from ordering the construction of one or more main sewers or culverts in accordance with any general system of sewerage which said council may adopt.

What paid out of general fund.

Final order.

The final order of the council ordering the abating of nuisances, draining swamps, marshes and ponds, and pools of stagnant water or the filling of the same shall be a sufficient determination that such nuisance exists and that the ponds or pools of water are stagnant.

Assessments on Ry. Co.

SEC. 29. When in any case any portion of the cost and expense of making any improvement mentioned in the foregoing section shall by virtue of any valid law or ordinance or by virtue of any valid contract be chargeable upon any railway company the amount so chargeable may be assessed upon such railway company and the balance only upon the real estate benefited thereby, and the city may collect the amount so assessed

upon said railway company by distress and sale of personal property in the manner provided for by the general laws of this state in the case of taxes levied upon personal property or by suit brought to enforce the collection of said assessment as an indebtedness, *Provided*, however, that any real estate belonging to such railway company and subject to assessment and deemed benefited by the said improvement shall be assessed as in other cases.

Applies to street railways also.

The provisions of this section shall apply to street railway as well as other railway companies.

Notice of assessment.

SEC. 30. Before proceeding to make an assessment for any improvement mentioned in section twenty-eight (28), said commissioner shall give six (6) days notice by one (1) publication in the official paper of the city of the time and place when he will attend for the purpose of making such assessment in which notice he shall specify what such assessment is to be for and the amount to be assessed. The said commissioner shall also give at least four (4) days personal notice to the same effect to all property holders interested or their agents resident in the city if known to said commissioner and found, but the failure to give such personal notice shall in nowise affect the validity of said assessment or any of the proceedings. All persons interested in any such assessment shall have the right to be present and be heard either in person or by counsel and the said commissioner may in his discretion receive any legal evidence and may adjourn the hearing if necessary from time to time and place to place. The personal notice required by this section may be made by depositing in the postoffice a postal card addressed to the property owners to be assessed or their agents resident in the city at least four (4) days prior to the making of an assessment upon which card shall be either printed or written substantially the notice above specified, but the failure to give such personal notice shall in nowise affect the validity of said assessment or of any of the proceedings.

Notice of confirmation—hearing.

SEC. 31. When the said commissioner shall have completed the assessment provided for in the preceding sections he shall cause like notice to be given of the time and place when he will attend to hear objections and for the confirmation of such assessment as hereinbefore required in relation to assessments for the condemnation of real estate and objections shall be made in like manner and under the same regulations and conditions and all parties in interest shall have like rights (except the right of appeal) and the said commissioner shall

perform like duties and have like power in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate.

When confirmed by said commissioner said assessment shall be final and conclusive upon all parties interested therein and shall be collected as in other cases and no appeal shall lie in any case from the order of the confirmation thereof.

Confirmation final.

If any assessment be annulled or set aside the said commissioner shall proceed de novo to make another or new assessment in like manner and give like notice as herein required in relation to the first.

Advertising for proposals.

SEC. 32. Whenever any public improvement shall be ordered for which an assessment is to be made as aforesaid the said commissioner shall cause proposals for doing said work to be advertised in the official paper of the city a plan or profile of the work to be done, accompanied with specifications for the doing of the same being first deposited with the said commissioner to be kept by him at all times open for the public inspection which advertisement shall be published for at least ten (10) times in said official paper and shall state substantially the work to be done.

Sealed bids—bidder's bond.

The bids for the doing of such work shall be sealed bids directed to the commissioner of public works and shall be sealed in such manner that they cannot be opened without detection and shall be accompanied by a bond to the city in a sum not less than twenty (20) per cent of the contract work according to the price bid as nearly as can be ascertained, executed by the bidder and two (2) responsible sureties conditioned that he shall execute the work for the price mentioned in his bid according to the plans and specifications in case the contract shall be awarded to him, and in case of default on his part to execute the contract and perform the work said bond may be sued and judgment recovered thereon by the city for the full amount thereof as liquidated damages in any court having jurisdiction of the amount.

Bids opened.

Said bids shall be opened by said commissioner at the time specified in said notice inviting proposals after the time limited for receiving such proposals, or at such other time thereafter as said commissioner may appoint.

And it is hereby made the duty of the commissioner in case of the default of any contractor to complete his contract with the city within the time limited in said contract to cause suit to be commenced forthwith upon the bond executed and delivered to the city in accordance with the provisions of this section; and it is made

the duty of said commissioner to reject all bids for contract work made by any person or persons who shall have defaulted in any contract awarded by said commissioner except as to time or who shall have refused to enter into a contract after the same shall have been awarded to him or them.

Provided, that in lieu of the bond in this section provided for the bidder may deposit with said bid a duly certified check upon any of the banks of the city payable to the said commissioner for the use of said city. Such check shall be for ten (10) per cent of the amount bid as near as can be ascertained. All checks shall be returned to the person depositing the same after the bids are opened, except that of the successful bidder which shall be retained as a guaranty that he will enter into a contract with the city for the performance of the work ordered to be done.

The said check so retained shall be returned to the successful bidder as soon as he shall have entered into a contract for the doing of said work.

Lowest bidder.

SEC. 33. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders who have complied with the above requisition, and who shall have guaranteed to the satisfaction of the said commissioner the performance of the said work to his satisfaction, except in the case of patent pavement or pavements, when in such case the notice for bids may call for wood, stone or other kind of pavement, and when all proposals therefor are in, the said commissioner may select the one which is relatively the lowest and most satisfactory all things considered, and the decision of the commissioner therein shall be final.

Patent pavement.

If the pavement selected is patented, the said commissioner shall require a license from the patentee to lay and relay the same for all time thereafter, free from all claims for royalty. Whereupon a contract shall be made on the part of said commissioner in the name of the city and shall be executed on the part of the city by said commissioner and the seal of said commissioner shall be thereto attached, and the said contract shall be countersigned by the city comptroller said contract shall be filed in the office of the city comptroller.

May reject bids

Provided, however, that the said commissioner may reject any bid which he shall deem unreasonable and unreliable and the said commissioner in determining the reliability of a bid shall consider the question of the responsibility of the bidder and his ability to perform his contract without any reference to the financial responsibility of the sureties on the bond, *provided further* that no contract shall be awarded except with the

Approval of common council.

approval of the common council by a two-thirds (⅔) vote of the members thereof elect.

May suspend contract.

SEC. 34. The said commissioner shall reserve the right in said contract in case of improper construction to suspend the work at any time and relet the same, or to order the entire reconstruction of the same if improperly done. In cases where the contractor or contractors shall proceed to properly perform and complete the said contracts the said commissioner of public works may from time to time (not oftener than once a month, except as to final estimates which may be given and allowed at any time after the allowance of the preceding estimate), as the work progresses grant to said contractor or contractors an estimate of the amount already earned reserving fifteen (15) per cent therefrom, which shall entitle said contractor or contractors to receive the amount which may be due thereon when there is money applicable to the payment of such work.

Estimates.

Final estimate

When the whole work has been completed by such contractor or contractors to the satisfaction of the commissioner the amount or balance due him shall be audited and allowed by the common council of such city and shall be payable out of the moneys applicable to the payment of such work;

Future repairs.

Provided, however, that in case of contracts for paving streets the said commissioner is authorized to retain such sum and upon such conditions and for such length of time as may be agreed upon for the keeping of said pavements in repair.

Notices—what are.

SEC. 35. Two (2) or more of the notices required or authorized by this act to be given by the commissioner or the city clerk by publication in the official paper of the city in any special assessment proceedings may be comprised in one advertisement;

Provided, however, such notices are of the same general character or for a like object and,

Provided that in other respects the notice so published shall sufficiently comply with the essential statutory requirements.

And the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the city by the city treasurer of the delivery to him of all special assessment warrants for collection and of his intended application to some court of general jurisdiction for judgment thereon provided for by this chapter;

Provided, further, that all notices required to be given by or under this act by publication in the official paper shall be deemed sufficient and legal if published on the regular publication day of said official paper,

and Sunday shall be considered a day and be counted for the purposes of this act.

And *provided, further* that the time specified for the publication of any notice required to be published in the official paper of the city under this act shall commence with the first publication.

Warrants for special assessments.

SEC. 36. When any special assessment shall have been confirmed it shall be the duty of the commissioner of public works to issue a warrant for the collection thereof which shall be under the seal of the said commissioner and signed by the mayor, the comptroller and the said commissioner and shall contain a printed or written copy of the assessment roll as confirmed as aforesaid or so much thereof as describes the real estate and the amount of assessment in each case. In case of an appeal as provided for by section twenty-one (21) of this act said appeal shall not delay or affect the collection of the assessment under such warrant except as to the property of such appellant appropriated aforesaid.

Appeal not to delay work.

And in case such appeal shall be sustained and the assessment in relation to such property appropriated of said appellant shall be set aside by the court the commissioner of public works shall make a new assessment as to the property of such appellant last mentioned proceeding de novo as to the same, in accordance with the provisions relating to improvements referred to in section twelve (12) and in case the amount of damages or recompense which the said commissioner may award such appellant upon such new assessment shall exceed the first, the said commissioner shall make a new assessment upon the property to be benefited to pay the difference which may have been awarded such appellant together with the costs and expenses of such new assessment.

Warrants delivered to treasurer.

SEC. 37. All warrants issued for the collection of special assessments shall be delivered by the comptroller to the city treasurer within five (5) days after taking his receipt therefor.

Notice by treasurer.

SEC. 38. Upon the receipt of any warrant for the collection of any special assessment the city treasurer shall forthwith give notice by one publication in the official newspaper of the city that such warrant is in his hands for collection briefly describing its nature and requesting all persons interested to make immediate payment at his office and stating that in default thereof the same will be collected at the cost and expense of the property liable for the payment of such assessments.

First lien.

SEC. 39. All assessments levied under the provisions of this chapter shall be a paramount lien upon the real estate on which the same may be imposed from the date of the warrant issued for the collection thereof.

12 per cent interest.

SEC. 40. If the assessments charged in any special assessment warrant whether made by reason of the appropriation or condemnation of land or for any other improvements whatsoever under the provisions of this chapter shall not be paid within thirty (30) days after the publication of notice by the city treasurer that he has received such warrant for collection except in case it is on a collection warrant issued on or by reason of a reassessment or a new assessment, in which latter case the notice that such warrant is in the treasurer's hands shall require payments to be made within ten (10) days after the publication, the assessment then remaining unpaid shall be collected with interest at the rate of twelve (12) per cent per annum thereafter, until the same shall be paid.

Action by city treasurer in the courts.

SEC. 41. It shall be the duty of the city treasurer immediately after the expiration of the thirty (30) days or after ten (10) days on a reassessment or a new assessment warrant mentioned in the preceding section to report to the district court of the county in which the city is situated at a general or special term thereof all assessment warrants for the collection of any assessment under the provisions of this act which have been delivered to him and then and there ask for judgment against the several lots and parcels of land described in such warrants for the amounts of assessment, interest and costs respectively due thereon.

The city treasurer shall previously give at least ten (10) days notice by one (1) publication in the official paper of the city of his intended application for judgment which notice shall briefly specify the respective warrants upon which application is to be made and a description of the property against which judgment is desired and require all persons to attend at said term.

Said treasurer shall also give five (5) days personal notice to the same effect to all property holders interested, or their agents resident in the city. Such personal notice may be made by depositing in the post-office a postal card addressed to property owners to be assessed or their agents resident in the city upon which card shall be printed or written such notice of application for judgment; but the failure to give such notice shall in no wise affect the validity of the judgment applied for or any of the proceedings.

The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid

and intended application by the city treasurer to such court for judgment and shall be held a sufficient demand and refusal to pay said assessment.

Advertisements to be filed with clerk of court.

SEC. 42. The city treasurer shall obtain a copy of the advertisement or advertisements referred to in the preceeding section, together with an affidavit of the publication thereof from the printer or publisher of the newspaper in which the same was published and shall file the same with the clerk of such court at the said term with said reports.

Actions—how docketed.

SEC. 43. The clerk of said court upon the filing of such reports of the city treasurer shall receive and preserve the same and shall annex thereto or file therewith all judgments, orders, or other proceedings of said court in relation thereto.

Each of said reports shall constitute a separate proceeding or suit, and shall be docketed by the clerk of said court in a suitable record book to be kept by him for that purpose substantially in the following form, to-wit; City of.....vs.....certain lots of land.....suit for assessment on warrant for..... or in such other manner as will sufficiently indicate the nature of the improvement for which the assessment is made in which said record book the judgment when rendered shall also be docketed.

Provided, however, that the court may by rule or otherwise direct how and in what form such proceedings and judgment may be entered or docketed, and what further record, if any, shall be made thereof, and what papers shall be filed and how kept and preserved.

Summary hearing.

SEC. 44. It shall be the duty of the court upon the filing of said reports to proceed immediately to the hearing of the same and they shall have priority over all other causes pending in said court.

The said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objection shall be filed for the amount of the assessment, interest, damages and costs due severally thereon.

The owner of any property described in said report or any person beneficially interested therein who shall feel aggrieved by such assessment shall file in said court his objections in writing to the recovery of judgment against such property, and shall serve a copy thereof upon the attorney for the city at least five (5) days prior to the time designated in the city treasurer's notice that he will apply for judgment as provided for in section forty-one (41) of this act.

No objection shall be interposed or sustained in rela-

tion to any of the proceedings prior to the confirmation of the assessment, except the common council had no authority to order the said improvement, or that the commissioner of public works had no authority to have the said work performed, and no objections as to any other of the proceedings shall be sustained on any mere formal irregularity or defect and the city treasurer may amend by leave of the court in its discretion in any matter in furtherance of justice.

The court shall hear and determine all objections in a summary manner without pleadings and shall dispose of the same with as little delay as possible, consistent with the demands of public justice; but should justice require that for any cause the suit as to one or more owners should be delayed judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof the same as in other cases.

Form of order by the court.

SEC. 45. In all cases where a judgment shall be rendered on default against the property described in said reports the court shall thereupon direct the clerk of said court to make out and enter an order for the sale of the same which order shall be substantially in the following form:

Whereas due notice has been given of the intended application for a judgment against said lands and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages, interest and costs due and unpaid thereon.

Therefore it is ordered by the court that judgment be, and it is hereby entered against the aforesaid lots and parcels of lands in favor of the city of ..... for the sum annexed to each lot or parcel of land, being the amount of assessment, interest, damages and costs due severally thereon, and it is hereby ordered by the court that the several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of assessment, interest, damages and costs annexed to them severally, be sold as the law directs."

In all cases where a defense shall be interposed and judgment shall be rendered against the property, a similar order adapted to the circumstances of the case shall be made and entered of record.

Twenty-five (25) cents cost shall be laid to each lot or parcel against which judgment is rendered and included in the judgment and the further sum of fifteen (15) cents cost to each lot or parcel shall be added thereto after the notice of sale is given;

Provided, that in all cases where a difference is interposed and not sustained, the court may direct by special order or by rule such additional costs to be included in the judgment as may be deemed proper.

Sale of lands.

SEC. 46. It shall be the duty of the clerk of the court within twenty (20) days after such order is granted as aforesaid, to make out under the seal of said court a copy of so much of said city treasurer's report in such case as gives a description of the land against which judgment shall have been rendered and the amount of such judgment together with the order of the court thereon which shall constitute the process on which all lands, lots, pieces and parcels of land shall be sold for the amount of any assessments, interests, damages and costs so levied, assessed, or charged upon them.

And the said city treasurer is hereby expressly authorized and empowered to make sale of such lands, lots pieces or parcels of land or other property upon ten (10) days notice by one (1) publication in the official paper of said city.

Notice of sale.

SEC. 47. The said advertisement so to be published in each case of a judgment upon any collection warrant and report as aforesaid shall contain a list, of the delinquent lots and parcels of land to be sold, the names of the owners if known, the amount of judgment rendered against them respectively and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be name in said advertisement by the said city treasurer. The omission of the name of any owner or any mistake respecting the same shall not invalidate the sale if the property be otherwise described with sufficient certainty.

Letters and figures used.

SEC. 48. In all proceedings and advertisements for the collection of such assessments and the sale of lands therefor, letters and figures may be used to denote lots, parts of lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

Certificates of sale 12 per cent.

SEC. 49. Certificates of sale shall be made and subscribed by the city treasurer under the seal of the city which shall be delivered to the purchaser, and shall contain the name of the purchaser a description of the premises sold, the amount of the judgment for which the same was sold, adding interest at the rate of twelve (12) per cent per annum from the day when judgment was rendered to the day of sale, and the costs of sale as hereinbefore provided; which judgment, interest and cost shall constitute the total amount for which the property shall be sold, which amount shall also appear in the certificate, and the time when the

right to redeem shall expire. Said certificates shall bear interest at the rate of twelve (12) per cent per annum until paid.

Five annual payments.

Said certificates shall state upon their face that "this certificate may be redeemed in five (5) annual installments which shall become due and payable as follows: One-fifth (1-5) of said certificate at the end of each one of the successive five (5) years next ensuing the date of this certificate together with interest due on the whole amount thereof unpaid at the maturity of each of said installments:

Redemption.

Provided that said certificate may be redeemed at any time before maturity upon the payment of thirty (30) days interest in addition to the interest which has already accrued, "*Provided*, however that property

Minors.

belonging to a minor or to a lunatic upon which city deeds have been or may be issued can be redeemed while such disability continues by the guardian of such persons filing with the city treasurer the certified copy of his appointment by the probate court as guardian of such person together with an affidavit showing the facts of said inability whereupon the treasurer shall deliver to him a certificate of redemption upon the payment of the proper sum; which certificate of redemption together with a copy of the appointment as guardian and affidavit shall be recorded in the office of the register of deeds and shall be deemed sufficient to remove the cloud from such title by reason of such a city deed

Purchasers.

SEC. 50. The person purchasing any lot or parcel of land shall forthwith pay to the treasurer the amount of the judgment due thereon and on failure so to do the said property shall be again offered for sale in the same manner as if no such sale had been made, and in no case shall the sale be closed until payment shall have been made.

Bid in by state

If no bid shall be made for a lot or parcel of land the same shall be struck off to the city and thereupon the city shall receive in the corporate name a certificate of the sale thereof and shall be vested with the same rights as other purchasers at such sales

Entries by Treasurer.

SEC. 51. The city treasurer shall enter and extend upon the certified copy of judgment and order of sale issued to him by the clerk of the district court the interest, costs and expenses to be charged against each lot or description as provided by law, the amount of sale to whom sold, or if struck off to the city to whom transferred afterwards with the amount of transfer and attach thereto a copy of the advertisement pertaining to the sale. The city treasurer shall keep this

record on file in his office. Certified copies thereof may be furnished when desired.

Redemption within five years.

SEC. 52. If at any sale any piece or parcel of land shall be sold to a purchaser, or parcel be struck off to the city the same may be redeemed at any time within five (5) years from the date of the sale by any person having any interest therein upon the payment in lawful money of the United States of the amount for which the same was sold with interest from the time of such sale at the rate of twelve (12) per cent per annum in accordance with the provisions of section forty-nine (49) of this act, and upon the terms and conditions as to installments therein provided and any other assessments which may be made under or by virtue of this act subsequent to the sale, with the interest accruing thereon at the rate and payable in accordance with the provisions of section forty (40). If the real estate of any lunatic or infant be sold under this chapter the same may be redeemed at any time within one (1) year after such disability shall be removed.

Lunatic or infant.

Redemption shall be made by the payment of the redemption money to the city treasurer and upon such payment the city treasurer shall execute to said redemptioner a certificate of satisfaction of said assessment judgment and lien upon return of the certificate of sale or upon proof of its loss and the filing with the comptroller an affidavit of that effect. If the property shall not have been redeemed according to law a deed shall be executed to the purchaser or his assigns under the corporate seal of said city signed by the mayor, comptroller and clerk of said city conveying to such purchaser or assignee the premises so sold and unredeemed as aforesaid.

Deed.

Notice of Expiration of redemption.

The city treasurer shall at least three (3) months before the expiration of the time for redeeming any lot or parcel of land aforesaid, cause to be published in the official paper of said city once a week for six (6) successive weeks a list of all unredeemed lots or parcels of land specifying each tract or parcel, the name of the person to whom assessed, if to any, and the amount of the assessment, charges and interest collected to the last day of redemption due on each lot or parcel, together with notice that unless such lots or parcels of land be redeemed on or before the day limited therefor, specifying the same, they will be conveyed to the purchaser: *Provided*, however, that before the holder of such certificate shall be entitled to a deed for said property he shall pay into the city treasury the cost of such notice of the expiration of the time of redemption.

A memorandum of all deeds made and delivered shall

be entered by the comptroller in the book wherein such sales are recorded and a fee of one dollar ($1.00) may be charged for every deed so issued; *provided* that nothing in this act contained shall be construed to affect or prejudice the lien of the state for all taxes which have been or may be levied upon such property under the general laws of the state.

In cases of redemption the city treasurer shall notify the person holding the certificate of sale that the amount of such certificate with the interest thereon so paid is in the city treasury subject to his disposal.

Assignments of certificates.

SEC. 53. Such certificate of purchase shall be assignable by indorsement and an assignment thereof shall vest in the assignee or his legal representatives all the right, title of the original purchaser.

Errors.

SEC. 54. Whenever it shall appear to the satisfaction of the comptroller before the execution of a deed for any property sold for assessments that such property was not subject to assessment had been paid previous to the sale he shall with the approval of the common council of said city make an entry opposite such property on his record of sales that the same was sold in error and such entry shall be prima facie evidence of the fact therein stated;

Provided that where the sale shall have been made to any purchaser other than the city the common council of said city before approving of such entry shall first cause notice to be given by mail or in such manner as said council may direct to the purchaser, his heirs, assigns or legal representatives of the said proceeding, and *provided, further*, that in case such entry is approved the purchase money shall be refunded to the parties entitled thereto with interest.

Deeds—prima facie evidence.

SEC. 55. All deeds made to purchasers of lots and parcels of land sold for assessments, or the record thereof, shall in all cases be prima facie evidence that all requirements of the law with respect to the sale have been duly complied with and of title in the grantee therein after the time for redemption has expired and no sale shall be set aside or held invalid unless the party objecting to the same shall either prove that the court rendered the judgment pursuant to which the sale was made had not jurisdiction to rendering judgment or that after the judgment and before the sale such judgment had been satisfied, or that notice of sale as required by this act was not given, or that the piece or parcel of land was not offered at the sale to the bidder who would pay the amount for which the piece or parcel was to be sold, nor unless the action in which the validity of the sale shall be called in question, be brought, or the defense

alleging its invalidity be interposed within three (3) years after the date of the sale, and if any sale shall be set aside by reason of any defect in the procedings subsequent, to the entry of judgment the court so setting aside the sale; shall have power in such case to order a new sale to be made as near as may be in accordance with the provisions of this act. If in any action in which the validity of a deed or certificate of sale issued under this act is brought in question on account of any irregularities, the same shall be set aside, the party holding such deed or certificate of sale shall recover from the city the amount paid by the purchaser at the sale, or by the assignee of the city on taking an assignment certificate with interest at the rate of seven (7) per cent per annum from the date of such payment. Such amount shall be paid out of the city treasury upon the order of the common council of said city. Such proceedings shall not operate as a payment or cancellation of any assessment included in the judgment, but the same shall stand as originally assessed against the property and with all accruing interest, penalties and costs. All deeds referred to in this chapter shall be admitted to record without payment of taxes and without the county auditor's certificate that the transfers have been made.

Changes in office.

SEC. 56. Any change made in the incumbent of the office of the city treasurer or of the commissioner of public works during the pendency of any of the proceedings provided for in this act shall not operate to affect or delay the same, but the successor or successors in office of such city treasurer or commissioner of public works shall be authorized to do all acts necessary to complete such proceedings the same as if the predecessor had continued in office.

Vacancies.

In case of a vacancy occurring in the office of the city treasurer the proceedings shall be prosecuted by the comptroller until such vacancy shall be filled by election or otherwise

Public vendue —when and where held.

SEC. 57. All sales of property for the non-payment of assessments provided for in this act shall be made in the day time at public vendue, in the city in which the property to be sold is situated at the time and place stated in the notice of sale prescribed in sections forty-six (46) and forty-seven (47) of this act, and may be adjourned from day to day, Sundays excepted, until the whole is completed.

Penalty for failure to perform duty.

SEC. 58. The city treasurer or other officer who shall in any case refuse or knowingly neglect to perform any duty enjoined upon him by this act, or who shall consent to, or connive at any evasion of its provisions

whereby any proceeding required shall be prevented or hindered, shall for every such neglect or refusal be liable to said city individually and upon his official bond for double the amount of loss or damage caused by such neglect or refusal to be recovered in an action in any court having jurisdiction of the amount thereof.

Errors not affect validity of assessment.

SEC. 59. Nor error or omission which may be made in the order or in the proceedings of the common council, or of the commissioner of public works, or of any of the officers of the city in referring, reporting upon, ordering, or otherwise acting concerning any local improvement provided for in this act, or in making any assessment therefor, or in levying or collecting such assessment, not affecting the substantial justice of the assessment itself shall vitiate or in any way affect such assessment. The reports of the city treasurer and assessment warrants held by him referred to in section forty-one (41) of this act, shall be prima facie evidence that the proceedings up to the date of such warrants were valid and regular, and the certificates of sale issued as provided for in this chapter shall be prima facie evidence of the validity and legality of all proceedings up to the date of such certificate. The assessment warrant shall also be prima facie evidence in any proceeding in which the validity of condemnation proceedings is questioned, that all proceedings as to the condemnation of such land up to the date of the warrant were valid and regular

Subsequent assessments to be paid before deed.

SEC. 60. No purchaser of lands or lots, or other property sold for assessments, or his heirs or assigns shall be entitled to a deed until he or they shall have paid all assessments made thereon prior and subsequent to the assessments under which such purchase was made The amount of all such prior and subsequent assessments so paid by such purchaser his heirs or assigns, and all moneys paid by such purchaser his heirs or assigns to redeem the premises from any sale for such assessment shall be a lien on the promises in his favor, and the amount thereof with interest at twelve (12) per cent per annum shall from the time of such payment or redemption be refunded to such purchaser or be paid to the treasurer of the city for the use of such purchaser his heirs or assigns by the owner or person entitled to redeem, before any redemption shall be made except as provided in the section next following

City may occupy lands purchased by it.

SEC. 61. After any real estate shall have been bid in or struck off to the city, said city may enter upon such real estate and take possession thereof and by its treasurer rent the same until the rent shall pay the amount

due on such special assessment, interest, penalties and costs. *Provided*, however, that if any lot or parcel of land so struck off to said city shall be again sold for like assessments while the said city holds its title as purchaser as aforesaid, the same shall not be sold to any purchaser except said city for less than the amount actually remaining unpaid on the preceding assessment as well as such subsequent assessment with interest aforesaid at the rate of twelve (12) per cent per annum

12 per cent.

SEC. 62. All judgments rendered under this act upon said assessments shall bear interest at the rate of twelve (12) per cent per annum from the date thereof until paid

Sale of certificates purchased by city.

SEC 63. The city treasurer of the city may at any time before or after the time of redemption has expired assign any certificate of sale of property so bid in by the city as aforesaid to any person by indorsement thereon after payment by such person into the city treasury of the amount for which the same was so bid in together with the amount of any prior assessment with interest thereon at the rate of twelve per cent per annum and costs, and such assignee shall have the same right and title thereunder as if he had purchased the same originally at the sale and shall be entitled to a deed as in other cases, *provided* that after the expiration of the time of redemption of any certificate of sale of property if the same shall remain unredeemed the mayor, committee of ways and means of the council, comptroller and city treasurer or a majority thereof may authorize the city treasurer to sell, assign or transfer the interest of the city in and to any such certificate, for such sum or price as to them may appear for the best interests of the city.

Reassessment

SEC. 64. In all cases where local improvements of the nature provided for in this act have heretofore been made or wholly or in part completed by any of the cities within the purview of this act, whether application for judgment for an assessment or reassessment of benefits to pay for the same has been, denied by the court in whole or in part for any cause whatever, whether jurisdictional or otherwise, or, if any assessment or reassessment for any improvement within the purview of this act which shall be pending at the time this act becomes applicable to any city within its provisions shall hereafter be denied by the court in whole or in part for any cause whatever whether jurisdictional or otherwise or if judgment shall hereafter be denied by the district court as to any assessment or reassessment for any improvement provided for in this act which shall hereafter be made, the commissioner of

public works shall upon notice thereof by the city treasurer proceed without unnecessary delay to make a reassessment or a new assessment of benefits upon lots, blocks and parcels of land which have been or will be benefited by such improvement to the extent of their proportionate share of the costs and expenses thereof as near as the same can be ascertained by the said commissioner, and such reassessment or new assessment, shall be made by said commissioner as near as may be in accordance with the law in force at the time such reassessment is made, and when the same shall have been made and confirmed by said commissioner it shall be enforced and collected in the same manner as other assessments are enforced and collected under this act, and as often as judgment is denied on any assessment the parcels, of land as to which judgment is denied may be from time to time reassessed until each parcel benefited has paid its proportionate share of benefits resulting from the improvements.

Contract not avoided.

It shall be no objection to the validity of any contract heretofore entered into by any of the cities included within the provisions of this act, or to any assessment heretofore made, or assessment or reassessment hereafter to be made thereon that the grade of the street or highway on which said improvement has been made or contracted to be made was not established at the time said contract was let or that the work or improvement as done or contracted to be done does not conform to the established grade of said street or highway, or that an appeal was pending at the time said contract was let from any assessment for the condemnation of slopes for cuts and fills on property along the line of such street or highway or from an assessment for the condemnation of land for such street or highway; or that two or more improvements were improperly combined under one contract.

Additional assessment.

SEC. 65. If in any case the first assessment to pay for any local improvement which has been heretofore or after the passage of this act shall be ordered by the common council of any city either before or after such improvement is completed shall prove insufficient to fully pay for the same the commissioner of public works shall upon notice thereof from the city treasurer and without further order, or new order from the common council, proceed without unnecessary delay to assess and reassess the same upon the property benefited or which will be benefited thereby until a sufficient amount is realized to pay for the same. If too great an amount shall at any time be raised the excess shall be refunded ratably to those by whom it was paid if the council

shall so order; it being the true intent and meaning of this act to assess and reassess upon the real estate benefited to the extent of such benefit for any deficiency over and above the first assessment which said improvement may cost.

New warrants —when issued.

SEC. 66. In all cases where the treasurer shall be unable to enforce the collection of any special assessment by reason of irregularities or omissions in any proceeding subsequent to the confirmation of any assessment, the said commissioner shall be authorized and empowered to cause a new warrant to issue to the treasurer for the collection of any assessment which by, reason of such irregularity or omission remains unpaid or uncollected. The treasurer shall proceed under such new warrant to enforce and collect the assessments therein specified in the same manner as near as may be as is prescribed by the provisions of this act for the enforcement and collection of special assessments after the same shall have been confirmed as in this act provided, and as often as any failure shall occur by reason of such irregularities or omission a new warrant may issue and new proceedings be had in like manner until such special assessments shall be fully collected as to each and every parcel of land charged therewith.

Suspended work-re-letting contract.

SEC. 67. In all cases where the work for any improvement contemplated by the provisions of this act shall be suspended before final completion by the failure of the contractor to perform the same, or for any other cause the common council may order said commissioner to relet the unfinished portion of such work in the same manner as near as may be as provided in this act for the letting of contracts for public improvements of the same nature, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

The real property benefited may be assessed and reassessed therefor, and if any part of the additional expense shall be recovered by the city from the defaulting contractor or his bondsmen, the same shall be refunded ratably to the property assessed.

Property owners may construct.

SEC. 68. Property owners may be allowed to construct street and other public improvements upon or through their own property at their own expense in such cases and upon such terms and under such regulations as the common council may prescribe from time to time by ordinance.

Unforseen obstacles.

SEC. 69. If the commissioner of public works or the common council in carrying out the provisions of this act should find unforeseen obstacles in grading, excavating, filling, paving or in any case of improving, opening

or widening streets, levees, alleys or public highways, or in constructing sewers, not provided for, the common council may by resolution order such change or modification in such improvement to meet such unforeseen obstacles, as the said council may deem equitable and just, upon the recommendation of the commissioner of public works or on their own motion either before or after the confirmation of any assessment, or before or after the letting or making of any contract to do the same, or at any time while the work is in progress by a two-thirds (⅔) vote of all the members of the common council, (each body voting separately where the council consists of more than one body). And any additional expense occasioned by such change or modification of the improvement may be included in the original assessment or raised by an additional assessment upon the property benefited by such improvement to the extent of such benefits; *provided*, however, that no such work shall be done until ordered, by the common council aforesaid; *Provided, further*, that in all contracts the case of such unforeseen obstacles shall be anticipated as far as possible by the commissioner of public works causing a schedule to be made classifying the various kinds of work and material and fixing the price to be paid by the city for such work or material as may become necessary but cannot be foreseen, which said schedule shall be approved by the commissioner of public works and a copy thereof shall be signed by the bidder and attached to his bid and the same shall be attached to and made a part of the contract, but no additional expense shall be incurred other than may be absolutely necessary to overcome such unforeseen obstacles.

The said commissioner of public works shall have power to correct any error, omission or mistake in an assessment either before or after the confirmation up to the time judgment may be obtained thereon either as to the amount or owner or description so as to conform to the facts and rights in the case as intended, and if by reason of such error, omission or mistake the assessment shall be reduced below the amount necessary to pay the costs and expenses of such improvement the commissioner of public works shall make a new assessment upon the property benefited to make up the deficiency together with the costs and expenses of such new assessment; *provided further*, that five (5) days notice of the time and place of making such correction shall be given by one (1) publication in the official newspaper of the city, unless the owners of the real estate affected be present or consents thereto.

Said correction shall be entered of record and a copy thereof filed with the city treasurer; *provided, further*, that if the expense required to overcome such obstacles will materially increase the cost which would be incurred in the work if such unforeseen obstacles had not occurred then the common council shall have power by a two-thirds (⅔) vote of the members elect to rescind the contract so far as uncompleted part of the work is concerned and may in their discretion by a two-thirds (⅔) vote of the members elect and after such rescission order the work to be relet as other work is let under this act, and the original contractor in such case shall be entitled to be paid for the portion of the work done by him ratably according to the contract price as nearly as the same can be ascertained and no more.

Affidavit of publication evidence of facts contained therein.

SEC. 70. When any notice is required to be published in any newspaper under this act, an affidavit of the publisher or printer of such newspaper or of the foreman, or clerk of such publisher or printer annexed to a printed copy of such notice taken from the paper in which it was published and specifying the time when and the paper in which such notice was published shall be evidence in all cases and in every court or judicial proceeding of the facts contained in such affidavit.

Judgment opened only for mistakes in assessment.

SEC. 71. After judgment shall have been ordered to be entered against any lot or real estate for the non-payment of assessments the same shall not be opened or set aside except by mistake made by the commissioner of public works in making and confirming the assessment, or by the court in ordering judgment to be entered, or in entering the judgment after the same shall have been ordered, and in such case the judgment shall be opened only on application made by the city treasurer, ten (10) days notice by one (1) publication in the official paper of the city describing the improvement for which the assessment is made and the mistake for which it is desired such judgment shall be opened and stating the time when such application will be had, shall be first given and such notice shall be deemed sufficient notice to all persons interested in such application. If upon such application it shall be found that any mistake has been made materially, affecting the rights of the parties, it shall be the duty of the court to open such judgment and order the mistake corrected so as to comform to the facts.

Notice of such application.

Tardy contractor to be aided by commissioner and charged.

SEC. 72. If in the opinion of the commissioner of public works any work under any contract does not proceed each month so as to insure its completion within the time named in his contract the said commissioner shall have power to furnish and use men and materials

to complete the work and charge the expense thereof to the contractor and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him in a suit by said city.

Treasurer to indorse deeds, assessments paid.

SEC. 73. The register of deeds shall not record any deed from a private person or a private corporation unless there be indorsed on said deed a certificate of the city treasurer of the city in which the property conveyed is situated if it is subject to the provisions of this act, that all assessments for local improvements on the land embraced in such deed have been paid and any violation of this provision by the register of deeds shall render such register liable to the grantee of such deed for all damages costs and expenses occasioned to such grantee thereby.

Not to be indorsed when city holds certificate.

It shall be the duty of the city treasurer upon the application of any person interested in such deed where the assessment has been paid and not otherwise to make such certificate free of charge, but the city treasurer shall not certify that the said assessment has been paid in any case where the property has been purchased by the city at the sale provided for in this act and the city still holds the certificate of sale.

SEC. 74. The following forms of orders shall be deemed sufficient:

FORM NUMBER ONE.

Forms of council orders.

It is hereby ordered by the common council of the city of.....

That the matter of ..... be and the same is hereby referred to the commissioner of public works to investigate and report.

1st, Is this improvement proper and necessary?

2nd, Give the council an estimate of the expense thereof and state whether one-half of the cost thereof is to be paid into the city treasury before the contract is let.

3rd, Can real estate to be assessed for said improvement be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby?

4th, Is such improvement asked for upon the petition or application of the owners of a majority of the property to be assessed for such improvement?

5th, Send the council a plan or profile of said improvement, as required by law, if you report in favor of the same.

6th, Send the council a proper order directing the work to be done.

FORM NUMBER TWO.

"It is hereby ordered by the common council of the city of.....

That the commissioner of public works of said city of..... cause the following improvements to be made, to-wit:

That said commissioner shall cause said work to be let by the contract, as provided by law, when one-half (½) of the estimated cost is paid into the city treasury (if this is required), and after said work shall be placed under contract said commissioner shall proceed without delay to assess the amount as nearly as he can ascertain the same which will be required to pay the damages, costs and necessary expenses of such improvement, upon the real estate to be benefited by said improvement as provided by law, it being the opinion of the council that the real estate to be assessed for such improvement can be found benefited to the extent of the damages costs and expenses necessary to be incurred thereby."

Commissioner may allow building to remain on condemned land and rent it.

SEC. 75. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioner of public works in his discretion in making such assessments, should there be any building in whole or in part upon the land to be taken as aforesaid, to consider the propriety of letting said building remain upon such land taken as aforesaid, for such time after the condemnation as he may deem for the best interest of the city, and if he shall determine to let the building remain on said land for any given period then he shall determine the value of the use of said land to the owner of said building for the time said building may be permitted to remain, which sum, when ascertained, shall be deducted from the damages awarded for said building.

Contractor's bond.

SEC. 76. Before any contract for the doing of any work or labor or furnishing any skill or material to or for any city under this act shall be valid and binding against said city the contractor shall enter into a bond with said city, for the use of the city and also for the use of all persons who may perform any work or labor, or furnish any skill or material in the execution of such contract conditioned to pay as the same may become due all just claims for work and labor performed, and all skill and material furnished in the execution of such contract and to comply with all the provisions of this act, which bond shall be in an amount not less than the contract price agreed to be paid for the performance of such contract, and shall be duly signed and acknowledged by said contractor and two (2) or more good and

sufficient sureties, and after being approved as hereinafter provided shall be filed in the office of the city comptroller.

Qualification of sureties.

SEC. 77. The sureties on such bond shall each take and subscribe an oath that he is a resident of the state of Minnesota; that he is seized in fee of real estate situate in said state and not exempt by law from sale on execution of the value and worth over and above all incumbrances thereon of the sum for which he is to justify on said bond. More than two sureties may be accepted on such bond and they may justify in separate and different sums less than the sum specified in such bond; *provided*, that the aggregate of their justification shall be equal to two sureties each justifying in a sum equal to the amount of their bond.

City attorney to supervise execution of bonds.

SEC. 78. It shall be the duty of the legal adviser of the city to see that such bond shall be fully and properly executed and conforms in all respects to the provisions of this act, and thereupon, he shall indorse upon said bond his approval of the form thereof. Such bond and the sureties thereon shall thereafter be approved by an indorsement on said bond by the mayor and legal adviser of the city, but said mayor and legal adviser shall not approve any such bond unless said legal adviser's approval of the form thereof be indorsed thereon nor unless the sureties on such bond appear personally before said mayor and legal adviser, and are by them examined touching their fitness and ability to become sureties on such bond; and it shall be the duty of the mayor and legal adviser to reject any person notwithstanding his justification to the bond if they or either of them shall deem such person of insufficient ability or otherwise to become a surety on such bond.

Parties in interest in bonds—who are.

SEC. 79. Whoever shall perform or cause to be performed any work or labor, or furnish or cause to be furnished any skill or material, (including any work, labor, skill or material necessary in the repair of any tool or machine, also including any tool or machine or material furnished particularly for such contract and used thereon) in the execution of such contract at the request of the contractor his agent, heirs, administrators or assigns, or at the request of any subcontractor his agents, heirs, administrators or assigns, or at the request of the commissioner of public works of said city, in case said commissioner shall have determined such contract and shall have completed the same as herein provided shall be considered a party in interest in said bond and may bring an action thereon in his own name for the reasonable value or agreed price (as the case may be) of the work and labor performed or

skill or material furnished by him. The city shall also be considered a party in interest in said bond and may bring an action thereon wherever any contract shall become ended or void, and the commissioner of public works shall have completed the same either by the employment of labor, or material as herein provided, or by reletting the contract for the whole work or for the completion of the unfinished part thereof.

Affidavit of claims paid.

SEC. 80. Before any contractor his agent, heirs, administrators or assigns shall receive any estimate on any contract herein provided for, he, his heirs, administrators, executors or assigns shall make and file with the city comptroller an affidavit that all claims for all work and labor to date and for which an estimate is asked have been fully paid.

Contract void if assigned.

SEC. 81. No contract with any city for the doing of any public work shall be assigned or transferred in any manner, and any assignment or transfer except by operation of law of any such contract shall fully end and determine such contract and shall make the same null and void as to any further performance thereof by the contractor or his assigns without any act on the part of the said city, and the commissioner of public works of said city shall at once proceed to relet such contract or said commissioner may in his discretion proceed to complete the same at the expense of such contractor and his bondsmen.

Bond not avoided by transfer of contract.

SEC. 82. No assignment, transfer, abandonment or surrender either voluntary or otherwise of any contract with city the for the doing of any work or labor or the furnishing of any skill or material nor any change in any such contract, nor any extension of the time in which to complete any such contract shall operate to release the sureties on the bond in this act provided for, and no such assignment, transfer, abandonment, surrender, change or extension of time shall be pleaded as a defense to any action upon such bond in this state.

Additional sureties.

SEC. 83. The commissioner of public works of the city may whenever in his judgment one (1) or more of the sureties on such bond become insolvent or for any cause are no longer fit or sufficient sureties, require any such contractor to file a new or additional bond within ten (10) days after notice to that effect; and thereupon all work on such contract shall cease until such additional bond shall be filed with the city comptroller of said city. And if any such contractor shall fail after ten (10) days notice to that effect to file a new or additional bond as aforesaid his contract shall by that fact alone become fully ended and void as to any and all further performance thereof by such contractor, and

thereupon said commissioner of public works shall proceed to relet such contract, or such commissioner may in his discretion proceed to complete the same at the expense of such contractor or his bondsmen.

Forfeited contract to be completed and charged to bondsmen.

SEC. 84. If any such contract shall for any reason become ended or void and the commissioner of public works shall complete the same as in this act provided and the cost of completing such contract shall exceed the amount unpaid by said city upon such contract at the time it shall become ended or void, in such case it shall be the duty of the legal adviser of the city to at once commence an action in the name of said city against such contractor and his bondsmen for the recovery of the difference in amount between the cost of so completing such contract and the amount unpaid by said city upon such contract at the time the same became ended or void.

No contracts with parties who have defaulted.

SEC. 85. The commissioner of public works of any city embraced with the provisions of this act is hereby prohibited from entering into any contract for the doing of any work or labor or the furnishing of any skill or material, with any person who within two years prior thereto shall have made default in the payment of any just claim for any work or labor performed or for any skill or material furnished pursuant to any such contract with said city, or with any person who within two years prior thereto shall have assigned, abandoned, surrendered or failed to complete any such contract, or who shall have failed to comply with any of the provisions of this act.

Qualification of sureties.

SEC. 86. Whoever shall become surety on any such bond and shall take and subscribe the oath provided for in section two (2) of this act, who at the time is not a resident of the state of Minnesota, or who is then not seized in fee of real estate in the state of Minnesota of the value and worth the sum specified in such bond (or so much of said bond as he becomes surety for) over and above all incumbrances thereon, exclusive of his property exempt by law from sale or execution, is guilty of perjury; and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one (1) year nor more than five (5) years.

False affidavit of claims paid—penalty.

SEC. 87. Whoever shall make affidavit required in section eighty (80) of this act, and shall receive or cause to be received from the city by himself his agents or assigns any such estimate or any part thereof while any such claim for work or labor remains unpaid and for the recovery of which an action may be maintained on the bond herein provided for is guilty of perjury, and upon conviction thereof shall be punished by im-

prisonment in the state prison for not less than one (1) nor more than five (5) years.

Sec. 7 Chap. 3 G. L. 1885 not affected.

SEC. 88. The provisions of this act shall not be construed to make inoperative the provisions of section seven (7) of chapter three (3) of the general laws of Minnesota for one thousand eight hundred and eighty-five (1885), entitled an act to amend an act, entitled an act to authorize the organization and incorporation of annuity, safe deposit and trust companies, approved March fifth (5th), one thousand eight hundred and eighty-three (1883) approved March fifth (5th) one thousand eight hundred and eighty-five (1885) but all the right and authority conferred by said section shall continue to exist notwithstanding any of the provisions of this act, and any corporation duly organized and having authority to act under the terms of said section may become sole surety under any bond required by the provisions of this act.

City engineer to report to commissioner.

SEC. 89. It shall be the duty of the city engineer to report to the commissioner of public works each week in writing the name of each man and the owner of each team employed by him during the week preceding such report in the care of streets or sewers, and the wages to be paid for each man and each team and the nature and location of the work on which said men and teams are or were engaged, and said report shall be filed by said commissioner in his office and be open for inspection at any time during business hours by any tax payer, and eight hours shall constitute a day's work for each such man and team, and the common council shall have authority to fix the compensation therefor.

Land and slopes condemned to be platted, certified to, and filed in office of register of deeds.

SEC. 90. It shall be the duty of the commissioner of public works as soon as any assessment is confirmed in a proceeding for the condemning of land by said city or condemning any slopes by said city to cause to be made a certificate setting forth the general description of the lands condemned and the slopes taken by said city in said proceeding together with a plat showing the same. The certificate instead of being a separate writing may be written on the plat if convenient which plat or plat and certificate shall be signed by said commissioner under his seal and recorded in the office of the register of deeds of the county in which the city wherein said property lies is situate and if the certificate is separate from the plat it shall be separately recorded and a notation made upon the margin of the record thereof showing where the plat can be found in in the register's office. The fees for such recording shall be paid by the city.

What improvements may be charged to general fund.

SEC. 91. When the cost and expense of any of the following improvements, viz.: a change of grade, a condemnation of land for a street, public market, levee, alley or park, or a condemnation of an easement of land for slopes in cuts and fills does not exceed the sum of two hundred (200) dollars the assessment therefor shall be paid out of the general fund of the city.

City council may order system of sewers.

SEC. 92. The common council of any city within the provisions of this act shall have power to establish and maintain at any time and from time to time any general system or systems of sewerage for said city in such manner and under such regulations as the said council may deem expedient, and to alter or change from time to time such system or systems as the said council may deem proper. The city engineer by and with the consent of the common council may appoint a competent person as sewer inspector who shall hold his position at the pleasure of the engineer and at such as the engineer with the approval of the common council may determine.

Laterals may be ordered by council.

SEC. 93. Sewers connected or intended to be connected with such general system or systems of sewerage may from time to time be ordered by said council to be constructed by the commissioner of public works in the manner hereinbefore provided for local improvements.

Cost how assessed.

SEC. 94. The cost of constructing, altering or repairing any sewer or sewers shall be paid for by assessment as prescribed in this act; *provided* however, that the common council may order the cost thereof or such part as it may deem expedient to be paid by the city at large out of any fund now or hereafter in the treasury applicable to such purpose.

Sewer fund.

SEC. 95. Any city embraced within the provisions of this act may include within its annual tax levy from time to time such sums as it may deem expedient which shall constitute a sewer fund and which may be used from time to time as above provided to defray the costs of sewers.

Sewer regulations, charges, etc.

SEC. 96. The common council shall have power to prescribe the conditions upon which sewers may be tapped and to grant licenses wherefor and power to suspend or revoke the same. Said commissioner shall have power to prescribe the conditions upon which pavements and macadam surfacing may be taken up and replaced for sewer, gas and water connections or for any other purpose whatever. Said commissioner shall also have power to grant licenses to drain and sewer contractors and to any person or persons desiring to make any excavation of any kind in any of the streets, avenues, levees or alleys, and to suspend or

revoke the same. Said commissioner shall prescribe the amount to be paid for such licenses and shall prescribe regulations for excavating streets, avenues, levees or alleys for tapping and making connections with sewer, gas water or steam pipes, electric conduits and all underground conduits or pipes for which franchises have been or may be granted and for the protection and maintenance thereof.

Connections—license therefor

No person or corporation shall be permitted to tap or make connections with any sewer, water, gas or steam pipes or electric conduits, or make any excavations whatever in the public streets, avenues, levees or alleys of said city without having first obtained from the commissioner of public works a license therefor. An application for any license provided for in this section shall be in writing signed by the applicant and addressed to the commissioner of public works.

Such application shall be accompanied by a bond in the sum of five thousand dollars ($5,000) running to the city, executed by the applicant as principal and two responsible and satisfactory sureties conditioned that such excavation and tapping or connecting with sewers shall be made in accordance with the regulations prescribed by the commissioner of public works for street excavations and sewer connections and also further conditioned to save the city harmless from all damages, loss, cost and expense to which said city may be subjected by reason of such excavation or sewer connections. Said bond shall be approved by the legal adviser of the city and the commissioner of public works and filed with the city engineer.

Permit.

No person or corporation whether licensed or otherwise shall make any excavation whatsoever in any of the streets, avenues, levees or alleys of said city without having first obtained from the city engineer a permit therefor.

Penalty for violation.

Provided however that in the event of any unforeseen accident to the water-works of the city, it shall not be necessary to first procure a permit to make any repairs necessary.

Any violation of any of the provisions of this section by any person or persons or corporation shall be deemed a misdemeanor and any person or corporation convicted thereof upon complaint therefor shall be punished by a fine of not less than fifty (50) dollars nor more than one hundred dollars.

Sewer assessments—what to cover.

Any city within the provisions of this act is authorized whenever a sewer is ordered built to include in such order the construction as far as the property lines of all the lateral connections and private drains that may

be deemed expedient or necessary or whenever a street is ordered paved to include in such order the construction as far as the property lines of all sewer, water and gas connections that may be deemed expedient or necessary. The cost of this work shall be assessed upon the property benefited in the same manner as any other local improvement.

May condemn and cross private property.

SEC. 97. Whenever the common council of the city may deem it necessary to cross private property and to construct a sewer thereon for the purpose of securing a proper line for sewerage the city may acquire by condemnation, and may take possess and hold an easement in over and across such private property for the purpose of constructing, altering, protecting, repairing and keeping in repair such sewer, and like proceedings shall be had by the common council, and the commissioner of public works for the condemnation of such easement as are now by law had for the taking of property for the opening, widening, extension or altering and straightening of streets and the damages awarded to the owners of property for such assessment shall be paid out of the sewerage fund to be provided for as hereinbefore authorized.

Grades and profiles.

SEC. 98. The common council of each city shall cause to be established, under the direction of the city engineer, the grade of all streets, sidewalks and alleys in the city, and shall cause accurate profiles to be made one (1) of which shall be filed in the office of the register of deeds in the county in which the city is situate, and one (1) shall be kept in the office of the city engineer.

Altering grades

SEC. 99. Such grade may at any time thereafter be altered by a two-thirds (⅔) vote of all the members-elect of the common council. After the said council has caused notice to be given by publication in the official newspaper of the city three (3) successive weeks twice in each week of the time and place where the common council will consider such proposed alteration. If the common council consists of more than one body, that body of the council in which the matter of the proposed alteration originated shall cause notice to be given of the time and place where the said body in which said matter of alteration originated will consider such proposed alteration.

Provided, however that no change of grade ordered by the common council shall take effect and be consummated until the commissioner of public works shall have made and confirmed the assessment of damages and benefits resulting from such change of grade, and *provided*, however, that the common council may annul any order for a change of grade prior to the confirma-

tion of the assessment for such change of grade by the commissioner of public works.

To be referred to commissioner for assessment.

SEC. 100. After such alterations shall have been finally determined as herein provided the common council shall refer the matter to the commissioner of public works to assess the damages if any to property occasioned by such alteration, and also to determine what real estate, if any, will be benefited by such alteration, and to assess upon such property benefited the amount of such damages, together with the costs of proceedings.

Assessment.

SEC. 101. Upon such order of reference of the common council being transmitted to the commissioner of public works the said commissioner shall make such assessment of damages and benefits in the same manner, and after giving a like notice as near as may be as in the case of improvements requiring the condemnation of land or real estate, and when completed said commissioner of public works shall proceed to confirm the said assessment in the same manner, and shall have the power to correct, revise, confirm, set aside or proceed de novo, as are given in said proceedings.

Appeals.

SEC. 102. Any party aggrieved by such assessment may appeal under the same regulations and restrictions and in the same manner as provided for appeals from the assessment of damages from the condemnation of real estate, but such appeal shall not operate to stay any of the proceedings in the matter of such alteration.

Benefits—how assessed.

SEC. 103. The assessment of benefits aforesaid shall be collected and enforced in the same manner as in the case of other local improvements provided for in this chapter.

Bridges over tracks and streams.

SEC. 104. The common council of any city embraced within the provisions of this act shall have full power to cause to be constructed any bridge or bridges, and also the needful approaches thereto in any street or streets or highway or highways of said city, over railway tracks, ravines, rivers, streams or other places whether such bridge or bridges or approaches thereto conform to the established grade of the street or highway wherein they may be constructed or otherwise.

Change of grade to conform to bridge.

The said bridge or bridges with the approaches thereto shall become part of the street or highway wherein they may become constructed aforesaid, or of which they form the continuation, and any part or parts of any established grade of such street or highway, or of any street or highway crossing the same, may be so altered or changed by the common council as to conform with the passageway over the said bridge or bridges and with the approaches or any part thereof of such bridge or bridges, or to facilitate access to or

transit over the said bridge or bridges or the approaches thereto *provided* in case the said bridge or bridges or approaches thereto shall not conform to such established grade or highway where they may be constructed a vote of at least three-fourths (¾) of the members-elect of the common council shall be necessary to authorize the same or to change any part or parts of such established grade of such street or highway or other street or streets or highways crossing the same as aforesaid.

Damages for change in grade.

SEC. 105. In case such bridge or bridges or approaches thereto shall not conform to such established grade or in case of any change of grade aforesaid, any owner of land abutting on that part of such street or highway where such bridge or bridges or approaches thereto, or change of grade shall be ordered by said common council, damaged thereby shall be entitled to compensation from said city to be assessed as hereinafter provided

Claims for such damages—when and how presented and procedure.

SEC. 106. To entitle such person so damaged to compensation, he shall file with the city clerk within six (6) months from the passage of a resolution or order of the common council directing the work to be done or change of grade to be made aforesaid, a written claim of damages specifying the grounds thereof, and the said common council shall refer the said claim to the commissioner of public works who shall thereupon assess the amount of compensation to be awarded such claimant, and to report the same to the common council. In making said assessment the said commissioner of public works shall give notice by publication at least three (3) times in the official newspaper of the city of the time and place at which he will attend for the purpose of making said assessment. Said notice shall specify briefly the object of said assessment and the property to which it relates, and the said publication thereof shall be at least ten (10) days before the time of said meeting. At said meeting all persons interested may appear and be heard by themselves or their attorneys, and the commissioner of public works may view the premises and also hear proof with reference to said matter. Said assessment shall not be final until confirmed by the commissioner of public works.

Notice of the time and place for such confirmation shall also be given by the commissioner of public works in the official newspaper of said city by one (1) publication at least ten (10) days prior to the time set for such confirmation. The amount so ordered shall be paid to the parties entitled thereto out of the general fund of the city or such other fund as may be provided for the

purpose. No claim of damage aforesaid or proceeding to assess the same aforesaid shall delay or suspend the prosecution of the work.

Council may order change of grade without petition—appeals.

SEC. 107. In ordering the construction of such bridge or bridges, or approaches thereto, or such change of grade. No petition of property owners or other petitions or preliminary notice or reference to the said commissioner of public works, or other preliminary proceedings shall be necessary to enable or authorize the common council to act in said matter. Any property owner may appeal to the district court from the assessment of damages by the commissioner of public works in the same manner as in the case of condemnation of real estate.

The district court shall either affirm the award of the commissioner or if the sum allowed is adjudged inadequate, the court shall fix the amount of damages and judgment therein shall be final, and no appeal shall be allowed therefrom.

Sections 97 to 103 do not affect sections 104 to 107.

SEC. 108. Sections ninety-seven (97) to one hundred and three (103) inclusive shall have no application to or affect the provisions of sections one hundred and four (104) to one hundred and seven (107) inclusive of this act.

Council may sprinkle.

SEC. 109. The common council of each city embraced within this act shall have the power to sprinkle the streets, avenues, levees, lanes, alleys, parks and other public grounds of the city or any part thereof.

Sprinkling districts.

SEC. 110. The common council shall direct the commissioner of public works to divide the city into sprinkling districts without reference to ward lines. Said districts shall be designated by numbers as follows, to-wit: Sprinkling District No. One (1); Sprinkling District No. Two (2); Sprinkling District No. three (3), etc.

Bids for sprinkling.

SEC. 111. Whenever ordered by the common council the commissioner of public works shall cause proposals to be advertised for in the official paper of the city in the same manner and for the same length of time as in the case of other public improvements, for the sprinkling of all streets, avenues, levees, lanes, alleys, parks or other public grounds or any part thereof, in each and all of said sprinkling districts, which may be ordered sprinkled by the common council in each year. General plans and specifications applicable to all sprinkling that may be ordered done in each of said districts during the year by said common council shall be made and filed with the commissioner of public works at least ten (10) days before the day named for the receipt of said bids by the commissioner of public works. The sprink-

ling shall be let and placed under contract in the same way and manner as provided for other local improvements, except that the bids for sprinkling shall be accompanied by a bond to the city in the sum of three thousand dollars ($3,000), executed by the bidder and two (2) responsible sureties conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid according to the plans and specifications in case a contract shall be awarded to him, and in case of default on his part to execute the contract and to perform the work said bond may be sued and judgment recovered thereon by the city for the full amount thereof in any court having jurisdiction of the amount.

Contracts for sprinkling.

SEC. 112. Contracts for sprinkling shall be let to cover all the sprinkling required for the calendar year and shall be awarded to the lowest reliable and responsible bidder, reference being had solely to the reliability and responsibility of the bidder to perform his contract without regard to his sureties; *Provided*, however, that the commissioner of public works may reject any and all bids which he shall deem unreasonable or unreliable; and *provided further*, that no contract shall be awarded except with the approval of a majority of the members elect of the common council.

Council may order sprinkling.

SEC. 113. The common council may order sprinkling to be done whenever and wherever it deems the public interest for sanitation or other cause requires without reference to the commissioner of public works for a report upon the necessity or propriety thereof.

Whenever said common council shall order any sprinkling to be done a copy of such order shall be transmitted to the commissioner of public works whose duty it shall be without any unnecessary delay to cause the sprinkling contractor to be notified thereof, and to cause said sprinkling so ordered by the common council so done, and it shall be the duty of the city engineer to cause said sprinkling to be duly inspected and to be done and performed in accordance with the contract and report the fact to the commissioner of public works who shall cause an assessment to be made for said sprinkling in the manner hereinafter provided.

At the beginning of each month, or as soon thereafter as practicable the said commissioner shall give at least ten days notice by publication in the official newspaper of the city to the effect that at a certain time and place he will attend to make an assessment for sprinkling. Said notice shall briefly describe the location of the streets sprinkled by streets and districts.

The said commissioner shall assess the amount as

nearly as he can ascertain the same which will be required to defray the cost of such sprinkling including expense of making and collecting assessments upon the real estate or lots of land fronting on such improvement without regard to the cash valuation thereof or whether the same shall be improved or otherwise. In making said assessment the expense and cost shall be apportioned pro rata upon the lineal of said real estate or lots of land fronting on said improvement aforesaid. When said assessment is completed the said commissioner shall give six (6) days notice by one (1) publication in the official newspaper of the city to the effect that at a time and place therein specified said assessment will be confirmed unless cause is shown to the contrary, and that objections must be filed at least one (1) day before such time with the commissioner; such objections shall be made and filed in the same manner and said commissioner shall proceed in hearing the same and shall have the same power to revise, correct, confirm or set aside such assessment and proceedings de novo as in the case of other assessments for local improvements. Said assessment when confirmed shall be final and conclusive and no appeal shall lie therefrom. A warrant shall issue for the collection thereof and said assessment shall be enforced and collected as other assessments made under this act.

Assessments on frontage.

SEC. 114. Whenever the contractor shall fail to do and perform the sprinkling contracted to be done by him within the time designated by the commissioner of public works or in accordance with the terms and conditions of his contract, or in any other respect fail to comply with terms of his contract the said commissioner of public works shall have power to furnish men and material to complete the work and charge the expense to the contractor and the same shall be deducted from any money due him or to become due such contractor, or may be collected from him by suit by said city, or said commissioner of public works may readvertise for bids for the completion of the unexpired term of said contract and let a contract in the same manner as herein provided in the original contract.

Commissioner may cause failed contract to be completed.

In case the said contractor shall proceed to properly perform his said contract and all the provisions, clauses, matters, and things therein contained, the said commissioner of public works may upon said contractor filing with the city engineer an affidavit that all work and labor for, which an estimate is asked is fully paid for from time to time as the said work progressed grant to said contractor every thirty (30) days an estimate of the amount already earned, reserving however, fif-

Estimates.

teen (15) per cent therefrom; *provided*, however, that said fifteen (15) per cent shall be included in the final estimate allowed said contractor.

Local improvement revolving fund.

SEC. 115. Each of the cities embraced within the provisions of this act is hereby authorized to raise by taxation and to maintain by further taxation from time to time a fund to be known as the local improvement revolving fund.

There may be maintained to the credit of this fund by taxation a sum not to exceed one hundred thousand dollars ($100,000), after crediting thereto all assessments raised to pay for contracts for local improvements provided for in this act and charging said funds with liabilities on contracts.

In order to facilitate prompt payment of contractors pending the collection of assessments to pay for local improvements contracted to be done, this fund may be drawn upon to meet payments under contracts as they may become due, and shall be reimbursed by assessments as they are collected, and by transferring thereto from the general fund the amount of assessments and expenses chargeable to such general fund.

This fund shall not be drawn upon for other purposes. If assessments to pay for damages allowed in condemnation proceedings are not collected in sufficient six (6) months after the condemnation sums to pay damages allowed for land taken, within thereof, the damages allowed shall be a charge on the general treasury, which shall be reimbursed as the assessments therefor are collected.

Board of park Commissioners

SEC. 116. The board of park commissioners shall consist of four (4) members who shall be residents and qualified voters of the city for which they are appointed.

The terms of office of said members shall be four (4) years and shall begin on the first (1st) day of June of the year in which the member is appointed, and shall continue until his successor is appointed and qualified. The appointment shall be made by the mayor and shall be so arranged that the term of but one (1) member of the board shall expire in each year.

The mayor of each city as soon as this act is made applicable thereto shall appoint four (4) members of the park commissioners who shall supersede the park commission then existing in such city, if any there be, and whose terms shall terminate respectively on the first (1st) day of June of the first (1st) second (2nd), third (3rd) and fourth (4th) years succeeding the year in which such appointment is made, and when their respective successors are appointed and qualified.

Vacancies in the board, if they should occur, shall be

forthwith filled in the same manner for the unexpired term or terms, but the resignation of the member shall not take effect until his successor shall be appointed and qualified.

Upon the appointment and qualification of members of the board provided for in this section the terms of office of the board of park commissioners existing at the time this law takes effect if any such there be shall forthwith cease and terminate.

Acceptance—oath.

SEC. 117. Each person appointed as a member of the board of park commissioners shall before entering upon the discharge of his duties file a written acceptance and oath of office in the office of the city clerk of the city.

Officers.

The board of park commissioners shall elect at its first (1st) regular meeting after the first (1st) day of June in each year from the members of the said board a president and vice president. It shall also appoint such agents and employes as it shall deem necessary whose compensation shall be fixed by the board of park commissioners with the approval of the common council, and shall be paid out of the park fund.

City clerk to be secretary.

The city clerk or recorder shall be ex-officio secretary of the board and is empowered and authorized to administer oaths in all proceedings under this act and incident thereto. He shall keep an accurate record of all the proceedings of said board. He shall be allowed no additional compensation by the park board.

Seal.

SEC. 118. Said board shall have a common seal and shall be capable of entering into and performing contracts on behalf of the city provided for by this act, which said instrument shall be executed by the president or vice president and secretary of the said board and sealed with its seal.

Annual reports

SEC. 119. The secretary shall submit to the said board at its first regular meeting in each year a detailed report of the transactions of the board for the preceding year and such other information as may be necessary for the conduct of its business as required by the board.

Rules.

SEC. 120. Said board may adopt rules governing its meetings and proceedings and the duties of its officers and employers.

Quorum.

SEC. 121. A majority of the members of said board shall constitute a quorum; but a less number may adjourn a meeting from time to time. The affirmative vote of three-fourths (¾) of all the members of the board shall be necessary for the designating or acquiring of lands which vote shall be taken

by ayes and noes and entered in full in the records of the board.

Publication of reports.

SEC. 122. Said board shall publish an annual report of its general proceedings containing a statement of its receipts and expenses, which statement shall be submitted to the city comptroller and audited by him.

No compensation.

SEC. 123. Said commissioners shall receive no compensation for their services, but may receive such sums for actual and necessary expenses incurred in performing their official duties as may be allowed by said board.

Not to be interested in contracts.

SEC. 124. No commissioner shall be interested in any contract made under the authority of said board or in land to be acquired by said board, except that if any commissioner shall be the owner of or interested in any lands which may be designated or appropriated under the provisions of this act he shall be entitled to receive compensation therefor as provided herein but shall not act officially in respect to any matter in which he may be pecuniarily interested.

Office vacated —when.

SEC. 125. The office of any commissioner under this act who shall not attend the meetings of this board for two (2) consecutive meetings without reason satisfactory to the board, or without leave of absence from it, may by said board be declared, and thereupon shall become vacant.

To have control of parks.

SEC. 126. Said board shall have the management and control of all existing and future acquired parks and parkways of said city, and may from time to time designate and acquire lands for park purposes within the corporate limits of said city as hereinafter provided.

Lands—how acquired.

SEC. 127. Lands may be so acquired in the name of the city by gift, devise purchase or condemnation as hereinafter provided, and upon obtaining title thereto said board may assume possession and control thereof; said board, may also accept and receive donations of money and property for the use of said city for park purposes.

Same—condemnation.

SEC. 128. When the board of park commissioners shall deem it to be for the public interest that any tract or tracts, pieces or parcels of land shall be condemned for the use of the city for any public park or parks or parkways within the limits of the city, and shall so determine by resolution of the board, it shall make an order directing the city engineer to make a survey thereof, a copy of which order, together with a general description of said lands shall be certified to by the secretary of said board and by him transmitted to the city engineer who shall forthwith cause a survey thereof, and two (2) plats thereof to be made and transmitted to said board.

May contract to purchase.

SEC. 129. Said board of park commissioners may contract in the name of the city for the purchase of the lands or any part of the lands designated by it for park purposes to be paid for in the same manner as other lands so designated, the damages or compensation for which are appraised by the commissioner of public works of the city as hereinafter provided, and the purcase price for the same shall be paid out of the moneys applicable to the purchase of said land for park purposes when all of it shall have been collected. Said purchase price shall bear interest after the final completion of the assessment hereinafter authorized at such rates not to exceed seven (7) per cent per annum as may be agreed upon in said contract.

Provided, however, such contract shall be executed and recorded before the commissioner of public works shall have been directed to appraise the damages and assess the benefits as hereinafter described.

The sum so agreed upon as the purchase price of said lands shall be taken as the measure of compensation to be appraised by the said commissioner of public works therefor, and shall be reckoned as damages by the said commissioner in ascertaining the cost of the property taken in said proceeding on which it shall base the assessment of benefits to be made. If the proceedings for acquiring said land so designated shall be abandoned said contract shall thereon become void and in such case the said board of park commissioners shall execute and deliver a release of said contract to the owner of said land which may be recorded.

May cause condemnation of lands for park purposes.

SEC. 130. The said board of park commissioners shall have power, and it is hereby authorized, in connection with the commissioner of public works of the city, and on behalf of the city to condemn for the use of the said city any tract or tracts pieces or parcels of land or any interest therein which may have been designated as hereinbefore authorized by this act or which may be included in or form, a part of any land so designated, and when such condemnation shall have been completed and the lands paid for as hereinbefore provided, the title to such land shall pass and be vested in the city.

Modus operandi.

When the said board of park commissioners shall deem it to be for the public interest that any tract or tracts, pieces or parcels of land or interest therein aforesaid shall be condemned for the use of the city for any public park or parks or parkways aforesaid, within the limits of the city, and shall so determine by resolution of the board, it shall cause the same to be surveyed and platted as hereinbefore provided; it shall also determine

by resolution what sum, if any not to exceed forty (40) per cent of the damages and expenses caused by such condemnation shall be paid toward the same out of the park fund as the same then exists, and it shall at the same time by resolution appropriate and set apart such amount from the moneys then in the park fund, the same to be held and applied as herein provided toward the payment of any damages or compensation that may be awarded in such condemnation proceedings including the expense of such proceedings; and except as hereinafter otherwise provided, said money so set apart shall remain in the city treasury and be applicable to no other purpose whatever. The said board of park commissioners shall thereupon make an order directing the commissioner of public works to ascertain and determine the amount of damages or compensation to be paid to the parties therein by reason of such condemnation, and also to assess the amount of such damages and expenses less the amount thereof, if any, so appropriated and set apart out of the park fund as aforesaid on real property specially benefited thereby in proportion to the benefits accruing to the same, not to exceed such benefits. A copy of said resolution and order together with a copy of said plat shall be certified to by the secretary of the board of park commissioners and transmitted to the commissioner of public works for his action thereon. If any parcel or parcels of land so designated have been purchased by said board of park commissioners in the manner hereinbefore described a description of said property with a statement of the purchase price thereof shall also be transmitted to said commissioner of public works who shall take the purchase price to be paid for said property as the amount of damages to be awarded therefor.

The said commissioner of public works shall proceed forthwith on receipt of such order to make an assessment of damages and benefits in the manner hereinbefore provided for the condemnation of land under this act.

The amount awarded as the damages to any property shall bear interest at the rate of seven (7) per cent per annum from and after the date of the completion of the assessment until paid. If the sum set apart from the park fund by the park commissioners as above provided is less than forty (40) per cent of the total amount of damages, costs and expenses as determined and appraised by the commissioner of public works together with the costs and expenses, all damages and expenses over said sum so set apart shall nevertheless be raised by assessment on the property benefited. If

said sum so set apart from the park fund proves to be more than forty (40) per cent of the damages, costs and expenses aforesaid, sixty (60) per cent of the damages, costs and expenses shall be assessed on the property benefited and the balance of said sum in excess of said forty (40) per cent shall be returned to the park fund for other uses. It shall be the duty of the commissioner of public works, whenever he finds the sum appropriated by the board of park commissioners in excess of forty (40) per cent of the total damages, costs and expenses to notify the board of park commissioners of the amount of such excess within ten (10) days after the assessment is confirmed. The commissioner of public works shall estimate as nearly as possible the cost of printing notices of assessment up to the time the same would become delinquent and the cost of engineering in making survey and plats of said improvement all of which shall be chargeable in said assessment in the costs and expenses. The commissioner of public works shall include such sum in the assessment of benefits as in his opinion will be sufficient to pay interest on the damages allowed from the time of the completion of the assessment to the time the assessment shall have been fully collected and ready to be paid over. The owner of land condemned for a park shall have the same right of appeal to the district court from the damages allowed as in the case of other property condemned under this act, and the same procedure shall be had in bringing said appeal to hearing. If the court shall find that the commissioner of public works had no jurisdiction in the matter appealed from in such cases the judgment of the court shall be to annul the assessment. If the court shall find that the commissioner had jurisdiction and also find that the valuation is unfair and the damages awarded by said commissioner to said appellant are insufficient and inadequate for the property so appropriated then and in such case the court shall determine and find the amount of damages which said appellant is entitled to receive over and above the sum awarded by the commissioner of public works and shall order judgment against the city therefor, which judgment with interest shall be paid as other judgments against the city. The amount awarded said appellant by the commissioner of public works with interest shall be paid in the same manner as the damages to other property as to which no appeal has been taken.

Assessment on property benefited.

SEC. 131. When judgment has been rendered on all the appeals taken from said assessment, the said commissioner of public works without further order from the said board of park commissioners shall without

unnecessary delay proceed to make a new assessment or reassessment on the property by him deemed benefited by such improvement for the purpose of raising the difference between the amount originally awarded by the said commissioner of public works to said appellant or appellants and the amount which the court has adjudged said appellant or appellants is or are entitled to receive together with the costs of said new assessment or reassessment and said commissioners of public works shall proceed in making new assessment or reassessment in the same manner and shall take like proceedings as are provided for in the original assessment. If the commissioner cannot find the property benefited by said improvement or appropriation of land to park purposes to the extent of said additional sum besides the benefits before assessed he shall make the assessment to the extent of said benefit. If he is of the opinion that the first assessment was equal to the benefits derived from the improvement, he shall so report to the board of park commissioners. In making said new assessment or reassessment in cases where portions of lots were condemned by the first assessment and the remaining portion assessed benefits such untaken portions shall also bear their proportion of assessments for benefits on the new assessment or reassessment notwithstanding the owner of the same may have appealed from the assessment of damages. The proceeds of such new assessment or reassessment, if any, shall be paid into the park fund and the same shall thereafter be transferred to the general fund of the city to reimburse said city for the judgment for increased damages aforesaid rendered against the city as before provided. If the assessment or reassessment proves insufficient, the remainder shall be paid into the general fund of the city from the first unappropriated money coming into the park fund, if any. The commissioner of public works shall have the same power of reassessment in case an assessment is set aside as is given by this act in the case of condemnation of land for local improvements generally.

Collection of assessment.

SEC. 132. The city treasurer shall proceed to collect the benefits assessed against real estate under the provisions of this act in the same manner as in the case of assessment for benefits for other local improvements, and the same proceedings shall be had for obtaining judgment to enforce delinquent assessments and for the sale of property under such judgment. The issuing of certificates of sale therefor and deeds for the purchaser in case no redemption is made as provided by law in other cases; except that real estate sold under such

judgments may be redeemed in ten (10) years from the date of the sale and may also be redeemed in ten (10) annual installments payable as follows; One-tenth (1-10) of the certificate at the end of each one (1) of the successive ten (10) years next ensuing the date of the certificate together with the interest due on the whole amount thereof unpaid at the maturity of each of said installments, and the said certificates of sale issued hereunder shall conform to the provisions hereof as to the time of payment and redemption.

In case the award of damages is increased on appeal from a reassessment the commissioner of public works shall have the power and it shall be his duty to make a further reassessment of benefits for the difference of damages as in the case of appeals from the first assessment.

When city may enter and take possession.

SEC. 133. As soon as the assessments are collected and the proceeds thereof in the hands of the city treasurer, ten (10) days' notice thereof by two (2) publications shall be given by the said treasurer in the official newspaper of the city and the city may then and not before enter upon, take possession of and appropriate the property condemned, and whenever the damages awarded to the owner of any property condemned by said city for public use shall have been paid to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer ready to be paid over to such owners and ten (10) days' notice thereof shall have been given in the official paper of the city, the city may enter upon and appropriate such property to the use for which the same was condemned. Interest on all damages payable shall cease thirty (30) days after such notice has been given, save where damages are increased by the district court, in which case the interest on the increased amount shall run until money is in the treasury to pay the judgment therefor, and the holder thereof or his agent is notified thereof, or the money is paid into court. In case the amount allowed for interest and included in the benefits assessed by said commissioner of public works is insufficient to pay the interest accruing on damages awarded the balance shall be paid out of the general fund of the city and the general fund reimbursed from the park fund when there are available funds therein. In all cases the title to the land taken and condemned in the manner aforesaid shall be vested absolutely in the city. It shall be the duty of the clerk of the board of park commissioners to cause all deeds taken by the city for land acquired for park purposes to be recorded without delay, and the said clerk shall be the custodian

Title to be vested in the city.

thereof. In case a deed is not given it shall be the duty of the clerk to cause the county auditor and city treasurer to be notified of the title so acquired by the city giving to each of them a description of the land so acquired, and it shall be the duty of the register of deeds of the county to record all such deeds without requiring the certificate of the county auditor, county treasurer or city treasurer that the taxes and assessments thereon have been paid.

Park commissioners may abandon any time before confirmation.

SEC. 134. The said board of park commissioners at any time during the pendency of any proceeding for the condemnation of land as aforesaid, up to and until the time of the confirmation of the assessment by the said commissioner of public works shall have the right by a three-fourths (¾) vote to abandon all proceedings in respect to the whole improvement whenever it shall deem it for the interest of the city so to do. In case of abandonment of such proceedings the secretary of the board of park commissioners shall certify such action of the board to the commissioner of public works, and thereupon said commissioner of public works shall discontinue any further proceedings on his part in the matter.

Accurate description to be recorded in office of register of deeds.

SEC. 135. As soon as such condemnation proceedings shall have been completed and notice given that the money is in the city treasurer's hands ready to be paid for damages an accurate description of the lands condemned together with a statement of the amount of damages awarded and to be paid therefor, shall be certified by the president and vice president and secretary of said board of park commissioners under its official seal and filed for record in the office of the register of deeds in the county in which the city is situated and said register of deeds shall record the same in the records of transfers of real estate in said county which record shall be prima facie evidence of the title of said lands and the transfer of all the interests of the former owner or owners of the same to the city.

The said board of park commissioners shall also direct the city engineer to prepare correct plats of all such lands as may be acquired under the provisions of this act, one (1) of which shall be filed in the office of said board of park commissioners one (1) in the office of the city engineer and another in the office of the register of deeds of the county to be kept on file and of record in the office of said register of deeds in the same manner as plats of additions of the city.

Plats.

Expenses.

SEC. 136. All expenditures of said board of park commissioners the payment of which is not herein otherwise provided for shall be paid from the park funds not

otherwise appropriated, and all moneys received from the said board from any sources, shall, where not herein otherwise directed, be paid into the city treasury to the credit of said fund. Assessments collected shall be set apart and only used for the purpose for which they were levied, all assessments on property owned by the city and on exempt property shall be paid out of the general fund of the city, moneys of the park fund, when set apart for the purpose of paying damages awarded shall be and remain in the city treasury until the assessments for the same purpose are collected by sale or otherwise, and shall then be applied with said assessment in payment of said damages.

Certificates of indebtedness.

SEC. 137. In case property sold for delinquent assessments is struck off to and purchased by the city and the city shall be unable to sell and assign the certificate of sale therefor within thirty (30) days thereafter the city shall forthwith issue certificates of indebtedness to pay for the same for the amount of said certificates of sale held by the city, said certificates of indebtedness shall be issued in the sum of one hundred dollars ($100) each or such other sum as the common council shall prescribe and shall be payable on or before ten (10) years from their date at the pleasure of the city, and bear interest at a rate not to exceed seven (7) per cent per annum payable annually. The common council shall direct the manner in which these certificates shall be executed. The city shall redeem said certificates of indebtedness before maturity as fast as money is realized on the certificates of sale held by the city by redemption, sale of the same, or otherwise.

Expenses and moneys—how paid.

SEC. 138. All expenditures under this act payable out of the park fund shall be audited by the board of park commissioners and shall be paid by the city treasurer only upon warrants of said board signed by its president or vice president and secretary and countersigned by the city comptroller. All damages payable to property owners shall be paid from the funds provided therefor, and on warrants of said board signed as aforesaid and countersigned by the city comptroller. Whenever the board of park commissioners appropriate a portion of the park fund for condemnation purposes as hereinbefore provided, it shall transmit to the city comptroller and city treasurer a copy of the resolution so provided, whereupon said treasurer shall set apart and hold said sum to be applied as herein provided. If the proceedings are abandoned or said sum so set apart is ascertained to be in excess of forty (40) per cent of the entire cost of the improvement for which the same is appropriated the board of park commissioners shall,

upon such abandonment or the ascertainment of such excess, notify the said treasurer thereof, and in case of an abandonment of condemnation proceedings all the money so set apart and in the case of an excess the portion thereof in excess of forty (40) per cent of the cost of the improvement shall at once be returned to and become a part of the park fund and applicable to other uses.

To control water fronts.

SEC. 139. Whenever title shall have been acquired by the city for park purposes to land constituting the shore of any stream, lake or pond, said board of park commissioners may regulate and control the use of such shore and the water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond said board of park commissioners is vested with the exclusive power and control of the waters of the lake or pond, and may in all things regulate and govern the use of such waters, *Provided* that said board shall not prohibit the use of sail or row boats on such waters.

Once a park, always a park.

SEC. 140. The lands which may be designated and obtained as aforesaid for park purposes shall not be alienated or diverted for other uses and shall remain forever parks and parkways for the use of all the inhabitants of the city.

May adopt rules and ordinances.

SEC. 142. Said board of park commissioners may adopt rules to secure the quiet, orderly and suitable use and enjoyment of said parks and parkways by the people and the common council shall provide ordinances to enforce them and to fix penalties for the violation thereof, which ordinances shall take effect from and after the publication thereof in the official newspaper of the city; all fines collected from the violation of such ordinances shall on the first Monday of each month be credited by the treasurer of the city to the park fund. The mayor of the city shall upon the request of said board of park commissioners appoint such policemen as the common council may authorize which policemen shall be under the control and direction of the board and paid out of the park fund. All policemen so appointed shall possess all the common law and statutory power of constables, and any warrants for search or arrest issued by any magistrate or court of record in the county may be executed by such policemen in any part of such county. Each city within the provisions of this act is authorized to raise each year by taxation a sum not exceeding what would be produced by a tax levy of one mill on the valuation of taxable property in the city, which shall be paid into what shall be known as "park fund," and used for no other purposes than

those heretofore provided in this act and for the care of parks and parkways and the beautifying and embellishing of such parks and parkways, public grounds, boulevards, grass plats and public streets by said park board.

Council may authorize park board to ornament streets, tree planting, &c.

SEC. 142. The common council of any city may, in its discretion, authorize the board of park commissioners to enter upon any public street or streets of the city and improve and embellish the same, and to care for and protect any shrubbery, trees, grass plats and other embellishments therein and generally to treat and care for any such street or streets as a parkway. Tree planting on public streets of the city shall be done by the board of park commissioners who may either raise the trees for such purpose or purchase the same, all contracts for the purchase of trees by the park board shall be let after advertising for the same for a period of not less than twenty (20) days and to the lowest bidder who will agree to furnish trees according to specifications on which the bidding shall be had. The park board may employ labor in the setting out of trees along the public streets or it may let such tree planting by contract to the lowest bidder, which bidding shall be on specifications prepared by said board and on notice in the official paper by one or more publications given at least twenty (20) days prior to the receipt of such bids. On the letting of such contract, or on the planting trees by the board of park commissioners without contract the board of park commissioners shall notify the commissioner of public works of the actual cost of such tree planting, including the cost of the trees and said commissioner shall thereupon proceed to assess the same, together with the costs and expenses of the assessment on the real property benefited by the same as in the case of other local improvements and the same proceedings with reference to collecting said assessments and for reassessments shall be had as in other cases. The park commissioners may in the same manner construct grass plats and boulevards along public streets of the city, the cost thereof to be assessed on the property benefited, by the commissioner of public works in the same manner as other assessments are made.

Water mains and sewers along park ways.

SEC. 143. The common council shall have the same power and jurisdiction in respect to laying water mains and sewers along the parkways in said city as it has in respect to laying the same along the public streets and the same proceedings in levying and collecting special assessments for sewers along such streets shall apply to levying and collecting the same for sewers along the

parkways. The board of park commissioners may acquire by gift without the corporate limits of the city for parks or parkways any land or lands, and shall possess the same power and jurisdiction over said parks or parkways as if they were located within the limits of the city. The board of park commissioners is authorized to enter into the necessary contracts for carrying out the provisions of this act relative to parks and parkways and matters over which they have control.

This act—when to apply.

SEC. 144. The provisions of this act shall apply to all cities within the state of Minnesota now or hereafter having over one hundred thousand (100,000) inhabitants according to any census made, under either state or national authority, *provided*, that whenever according to such census the population of any such city shall fall to one hundred thousand (100,000) inhabitants or less, the provisions of this act at the expiration of ninety days from the final filing of the enumeration of such city shall no longer apply thereto until the population shall again exceed one hundred thousand (100,000) inhabitants as above provided.

Effect on existing contracts.

SEC. 145. No contract for improvements or proceedings preliminary to making the same, or assessments therefor, had under the provisions of law prior to the taking effect of this act in any city shall be thereby invalidated or shall lapse, but all further proceedings in relation to the same shall thereafter conform as nearly as practicable to the provisions of this act.

This act—when to take effect.

SEC. 146. This act shall be enforced in any city whenever the common council of any such city embraced within its provisions shall adopt the same by a majority vote of all the members. The action of the council to be subject to the veto of the mayor, as in other cases. If the mayor shall veto the action of the council, the council may nevertheless thereupon adopt this act by a two-thirds (⅔) vote of all members, and all acts and parts of acts in any charter or special law relating to said city shall be thereby, as to said city, repealed in so far as the same relate to the subject matter of this act: but no special act authorizing the issuance of bonds for any improvement or especially authorizing the making of any improvement shall be repealed thereby, all general acts and parts of acts relating to the subject matter of this act so far as they apply to any city affected by this act are hereby repealed.

SEC. 147. This act shall take effect and be in force from and after June fifteenth (15), eighteen hundred and ninety-six (1896).

Approved April 25th, 1895.

95 c 229
03 - 13
03 - 49

CHAPTER 229.

S. F. No. 598.

An act to establish municipal courts in incorporated cities having a population of less than five thousand (5,000) inhabitants.

Municipal courts.

95 C 229
01 - 161
78-M - 521
81-NW 521
84-NW 649

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. There is hereby established in each incorporated city in the state of Minnesota, having a population of less than five thousand (5,000) inhabitants, a municipal court, for the transaction of all business which may lawfully come before it.

In all cities of less than 5,000.

95 c 229
95-M - 286
104-NW 7
99-M - 261
109-NW 698

SEC. 2. Said court shall be a court of record and shall have a clerk and seal, and shall have jurisdiction to hear, try, and determine civil actions at law where the amount in controversy does not exceed five hundred ($500) dollars. It shall also have exclusive jurisdiction to hear all criminal complaints and conduct all examinations and trials in criminal cases arising or triable within such city heretofore cognizable before a justice of peace or a de facto municipal court, and its jurisdiction shall be co-extensive with the limits of the county in which such city is situated.

Court of record.

Jurisdiction.

It shall not have jurisdictions of actions for divorce, nor of any action when the relief asked for in the complaint is purely equitable in its nature; nor cases involving the title to real estate; nor for false imprisonment, libel, slander, malicious prosecution, criminal conversations or seduction, or upon a promise to marry, nor for an action against an executor or administrator as such, and when in any case pending in said court a counter claim in excess of five hundred ($500) dollars over plaintiffs' claim, or an equitable defense or ground for equitable relief is interposed, or whenever it shall appear from the pleadings or upon the trial of any cause that the title to real estate is involved, the said court shall immediately cause an entry of the facts to be made of record, and cease all further proceedings in the cause, and order the clerk to certify and return to the district court of the county in which such city is situated a transcript of all entries made in the record relating to the cause, together with all process and papers relating to the cause, and the clerk shall within ten days after being so ordered make such certificate and return; and thereupon such district court shall proceed in the cause to final judgment and execution the same as if said cause had been commenced in said district

court, as near as may be, and the costs shall abide the event of the action;

Provided, the clerk of said municipal court shall not make such certificate or return, until the costs chargeable by the clerk shall have been paid.

Election of judge.

SEC. 3. The qualified electors of such city shall at the general city election to be held in the year eighteen hundred and ninety-six and at the general city election every third year thereafter, elect a suitable person to the office of said judge of municipal court, who shall be called "municipal judge," who shall hold his office for a term of three years and until his successor shall be elected and qualified.

Term.

In case of any vacancy in the office of municipal judge the governor of the state of Minnesota shall appoint some qualified person to said office until the next annual city election occurring more than thirty days after the vacancy shall have happened, when a judge shall be elected for a full term of three years.

Appointment of judge.

The governor of the state of Minnesota, shall, immediately after the passage of this act, and the acceptance of the provisions of the same as hereinafter provided, appoint some suitable person to said office, who shall hold the same until his successor is elected and qualified.

The judge of said municipal court shall be a qualified elector of said city.

Oath—powers.

SEC. 4. Before entering upon the duties of his office the judge shall take and subscribe an oath as prescribed in the general statutes for judicial officers, which oath shall be filed in the office of city recorder of said city.

He shall have the general powers of judges of courts of record, and may administer oaths and take and certify acknowledgments in all cases, and as a conservator of the peace shall have all power and authority which is by law vested in justices of the peace, or any other judicial officer.

Special judges.

In case of sickness or other cause requiring his absence, he may procure any competent and disinterested attorney in the county to act for him.

Such attorney so called in shall take and subscribe the same oath of office and have all the powers possessed by the municipal judge in said matter, or during such time, as he may, by the written order of such municipal judge, be requested so to act.

Prior to the entry of such appointed person upon the discharge of such judicial functions, the judge shall enter a full copy of such order in the records of the court.

Nothing in this act shall be so construed as to disqualify or prevent the municipal judge from practicing as an attorney in any court of this state, except in said municipal court.

SEC. 5. Said municipal court shall have a clerk, who shall be appointed or removed at the pleasure of said judge by an order in the minutes of the court.

The salary or compensation of said clerk shall be such as such judge shall direct and shall be paid by such judge.

Clerk—salary—oath bond.

Such clerk, before he enters upon the duties of his office, shall take an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office, and shall execute to such city a penal bond in the sum of one thousand ($1,000) dollars with two sureties to be approved by the mayor of said city conditioned that he will account to and pay over to said city and county, on the first Monday of every month, all fines penalties, and other moneys belonging to or to go to said city and county, which may have come into his hands during the month next preceding, and that he will, at all times, pay over to all other persons, on demand, all moneys to which they may be entitled, which have come into his hands in virtue or by reason of his said office.

Such oath and bond shall be filed in the office of said clerk or recorder of said city.

SEC. 6. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary and proper to carry into effect the jurisdiction given to it by law, and its judgments and other determinations, and it shall have and possess all of the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition nor injunction.

Powers and process.

All process shall be attested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "clerk of the municipal court," and the forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such form may be changed by the court from time to time in the absence of such prescribed form of process in use in courts of record in this state or by justices of the peace.

Process may be directed for service to any police

officer, marshal or constable of the city, or to the sheriff of the county, or to any or all of them.

Court room. SEC. 7. The municipal court shall be held in said city at some suitable place to be provided therefor by the judge, or, if the common council shall so determine, by the city.

Duties of judge. Its judge shall be the chief magistrate of the city, and shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for that purpose shall open his court at any time, Sundays and legal holidays excepted, and proceed to hear and dispose of in a summary manner, all causes which shall be brought before him by the police officers or marshals of the city, or otherwise, either with or without process for violations of the criminal laws of the state, committed within the county in which said city is situated, or of the ordinances, laws, regulations or by-laws of said city.

The clerk of said court shall keep a record of all its proceedings and enter all orders, judgments and sentences, under the supervision of the judge, and issue commitments and executions, as well as all other process.

Records. SEC. 8. The clerk of said municipal court shall have the custody and care of all the books, papers and records of said court.

He shall be present at all trials, unless absent from sickness or with consent of the judge, and in case of his absence the judge may appoint some person temporarily in his place.

Powers and duties of clerk. He may swear all witnesses and jurors and administer all oaths and affidavits, and take acknowledgments.

He shall keep minutes of all proceedings and enter all judgments, and make up and keep the records of the court under the direction of the judge.

He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other things and acts necessary and proper to the enforcement and carrying out of the jurisdiction of the court, and when the judge is not present, adjourn the court from day to day.

He shall receive all fines and penalties, and all fees of any kind, accruing to the court or clerk, and keep full, accurate and detailed account of the same; and shall, on the first Monday of every month, deliver and pay over to the treasurer of the city all moneys so received for fines and penalties imposed for violations of the ordinances, regulations and by-laws of said city, with detailed accounts thereof, under oath, and take from such treasurer a duplicate receipt for such pay-

ments, one of which receipts he shall forthwith file in the office of recorder or clerk of such city.

He shall on the same day of each month deliver and pay over to the treasurer of the county all moneys received by him for fines and penalties imposed for violations of the criminal laws of this state, and take from such treasurer a duplicate receipt for such payments, one of which receipts he shall forthwith file with the auditor of such county.

The clerk of said court may, when he deems the same necessary, appoint, with the sanction of the judge, a deputy clerk of said municipal court, for whose acts the said clerk shall be responsible, and said deputy shall be appointed under the hand of said clerk and seal of said court, with the sanction of said judge endorsed upon the back of said appointment; and before any deputy clerk of said court shall enter upon the duties of his office, he shall take and subscribe the same oath prescribed and required to be taken by the clerk of said court, which oath, together with the appointment of such deputy clerk shall be filed in the office of recorder or clerk of said city, and the clerk of such court, or the judge thereof, may at any time remove any deputy appointed under the provisions of this act. Deputy clerk.

The deputy clerk of said court shall be paid by the clerk.

He may administer oaths, take acknowledgments and perform all duties pertaining to the office of clerk of said municipal court.

SEC. 9. The municipal court shall hold regular terms for the trial of civil actions on the first Tuesday of each month, which term shall continue from day to day, with such adjournments as to the court may seem proper, until the business of each term shall be finished; and the court may by rule or order appoint such terms to be held oftener or upon other days than the days above mentioned. Terms.

SEC. 10. All civil actions for the recovery of money only shall be commenced by summons to be issued by the clerk. Summons—form.

The form of the summons may be as follows:

STATE OF MINNESOTA }
} ss. City of.....
County of.....} Municipal Court.

The State of Minnesota to any police officer of said city, or to the sheriff or any constable of said county.

You are hereby commanded to summon....., if he shall be found within the county of ....., to be and appear before the municipal court of the city

of ..... at a term thereof to be holden on the..... day of ....., 18....., at the hour of ..... o'clock in the forenoon, and answer to..... in a civil action whose complaint is on file in said court, and have you then and there this writ.

(L. S.) Witness the Honorable .....;, municipal judge, this .....-..... day of ....., 18.....

.....
Clerk of municipal court.

Or the summons may be in any other form which the court may by rule prescribe, and shall be served upon the defendant at least six (6) days before the commencement of the term at which the same is made returnable.

Service. SEC. 11. The summons in this court shall be served in the same manner as prescribed by statute for service of summons, in district court in all cases or classes of cases whereof this court has jurisdiction, except that in case of service of summons by publication, the period of such publication shall be three (3) consecutive weeks instead of six.

No summons shall be issued until the complaint in the action shall have been filed with the clerk.

Pleadings. SEC. 12. All pleadings in said municipal court shall be in writing. If the defendant fails to appear at the opening of the court on the day on which the summons is made returnable, judgment may be entered against him for an amount not exceeding that mentioned in the complaint and for costs and disbursements, except that when the action is for unliquidated damages or relief, the plaintiff shall obtain such judgment, only as he shall show himself entitled to by evidence and proof.

If he so appear, he shall then, or at such time as the court may designate, by rule or otherwise, answer the complaint; and if the answer contain a counterclaim or new matter, the plaintiff shall reply thereto forthwith, or at such time as the court may, by rule, or otherwise, designate.

The answer and reply shall be in writing and filed with the clerk, and such pleading shall be verified by the party, his agent or attorney, either as in courts of justices of the peace or in the district courts of this state.

Demurrer. SEC. 13. Either party may demur to any pleadings of his adversary, as in the district court, except that the demurer to any pleading shall be filed within the the same time allowed for filing an answer or reply to such pleading.

Construction.

SEC. 14. All pleadings shall be construed liberally, and technical objections shall be disregarded.

Default—amendments.

SEC. 15. The court may for good cause, in its discretion, and upon such terms as it may deem equitable, open any default at the same term at which it may have occurred, or allow an amendment of any pleading at any time, and shall disregard variance between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby.

Continuance.

SEC. 16. Either party shall be entitled to a continuance of a civil action, except actions for forcible entry and unlawful detainer, until the next term of the court following the term at which the summons is made returnable; and further continuance may be granted upon sufficient cause shown and on such terms as may be just.

Security for costs.

SEC. 17. Said court shall have authority to order that the plaintiff, in any civil action in which a justice of the peace would have jurisdiction, and when the amount is beyond the jurisdiction of a justice of the peace when the plaintiff is a non-resident of this state, shall, by bond, recognizance, or deposit of money with the clerk, give security for the costs in such sums as the court may designate; when the plaintiff in any cause shall neglect or refuse to so give such security when ordered, the court may dismiss such cause at the cost of said plaintiff.

Costs.

SEC. 18. Costs shall be allowed in actions determined in said court to the prevailing parties, as follows:

To the plaintiff upon a judgment in his favor of one hundred dollars or more, or in actions of replevin, when the value of the property is one hundred dollars or more, when no issue of fact or law is joined, five dollars; when an issue is joined, ten dollars.

To the defendant, when the amount claimed in the complaint is one hundred dollars or more, upon discontinuance or dismissal, five dollars; when judgment is rendered in his favor upon the merits, in such case, ten dollars.

Notice of taxation.

SEC. 19. Costs and disbursements shall be taxed and allowed by the clerk, upon two days notice in writing by either party, unless notice is waived by stipulation, and inserted in the entry of judgment. The provisions of the law relating to the taxation of costs and disbursements and appeals therefrom in the district court shall apply to this court.

Attachment—affidavit—bond—writ.

SEC. 20. Any creditor desiring to proceed by attachment in said court, may, at the time of commencing the the action, or thereafter and while the action is still

pending, by himself, his agent or attorney, make and file with the clerk an affidavit similar to the affidavit required by law in the application for a writ of attachment in a justice court, and also cause to be filed with the clerk a bond with sufficient sureties to be approved by the judge, court commissioner or any justice of the peace of the county in which said city is situated; except that in cases not within the jurisdiction of a justice court the limit of liability thereon shall be mentioned therein as not exceeding the sum of two huudred fifty dollars. The writ of attachment may be in form as follows:

STATE OF MINNESOTA, }
} ss. City of.....
County of.....} Municipal Court.

The State of Minnesota to any police officer in the said city of.....or to the sheriff or any constable of said county:

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of..... or so much thereof as shall be sufficient to satisfy the sum of.....with interest and costs of suit, in whoever's hands or possession the same may be found in said county, and so provided that the same may be subject to further proceedings as the law requires; and make due return of his writ.

Witness the Honorable.....judge of said court, this.....day of.....

.....
Clerk.

Or the writ may be in any other form that the court may prescribe by rule or otherwise.

In all other respects, save as in this act otherwise provided, the service of the writ and other proceedings thereon shall be similar, as near as may be, to the service of such writ and proceedings in the justice court.

Vacating attachment.

SEC. 21. The defendant may at any time before the time for answering expires, or at any time thereafter, when he has answered, before the trial, apply to the court, on five days' notice, to vacate the writ of attachment.

If the motion is made upon affidavits on the part of the defendants, but not otherwise, the plaintiff may oppose the same with counter affidavits.

Claim and delivery.

SEC. 22. The plaintiff in an action to recover possession of personal property may, at the time of the issuing of the summons, or at any time before answering, claim the immediate delivery of such property.

The plaintiff, his agent or attorney, shall make and

file an affidavit, similar to the affidavit required in the justice court in like case.

The plaintiff, or some person in his behalf, shall execute a bond with sufficient sureties, to be approved by the judge, court commissioner or a justice of the peace of the county in which said city is situated, conditioned, similar to the bond required in such case in the justice court, as near as may be, and file such bond, and an action may be maintained on such bond as upon similar bonds filed in like actions in justice courts. Bond—writ.

The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA, }
} ss. City of .....
County of..... } Municipal Court.

The state of Minnesota to any police officer of said city of ..... or the sheriff or any constable of said county.

Whereas, ... complains that ..... has become possessed of and unjustly detains from ..... the following described goods and chattels, that is to say: (Particularly describing the articles and value.) Therefore, you are hereby commanded to cause the said goods and chattels to be replevied without delay, and deliver the same to the said ..... and return this writ to the court within ..... days, together with the return of your proceedings thereon.

Witness, the Honorable ..... municipal judge, this ..... day of..... A. D. 18.....

.....
(L. S.) Clerk of the municipal court.

Or the writ may be in any other form that the court may prescribe, by rule or otherwise.

SEC. 23. The writ mentioned in the preceding section shall be served and all proceedings thereunder had, as near as may be consistent with the practice of this court, in the same manner as in the proceedings in replevin in the justice court; but the times of trial and the forms of pleadings shall be the same as in other actions in this court. Service.

The officer executing the writ shall retain the property taken under it in his custody for three days before delivering the same to plaintiff; and if within that time the defendant, or some one in his behalf, shall execute to the plaintiff a sufficient bond in amount equal to the bond filed by the plaintiff, with sufficient sureties, to be approved by the judge, court commissioner or a

justice of the peace of the county in which said city is situated, conditioned as in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to deliver such property to the defendant.

Sureties—exception to.

SEC. 24. The defendant may except to the sufficiency of the plaintiff's sureties within the same time and in the same manner as in proceedings of claim and delivery of personal property in district court, and when defendant so excepts, the same proceedings shall be had as in like actions in the district court, except that the justification of sureties be had before the judge of said municipal court or the court commissioner or a justice of the peace of the county in which such city is situated.

The qualifications of sureties shall be the same as required in like actions in the district court.

Calendar.

SEC. 25. The clerk of said court shall, prior to each term of the court, make up a calendar of the causes which shall come up for trial, or for any disposition before the court, at such term, adopting such arrangement as the judge may direct; and the court shall direct the order of trial, and other disposition of causes.

Jury trial.

SEC. 26. In all actions where either party demands a trial by jury, such jury shall be drawn and empanelled in the same manner as in justice courts, and the laws of this state relative to trial by jury in justice courts; shall apply to this court; *provided* that the judge of said court may direct the chief of police or any police officer or marshall of said city to perform the duties prescribed to be performed by the sheriff or constable in justice courts.

Depositions.

SEC. 27. Depositions may be taken and read in evidence in said court as in justice courts, and all laws relative to depositions in justice courts shall apply to said municipal court.

Forcible entry —Detainer.

SEC. 28. Title eighteen of chapter sixty-six of the general statutes of eighteen hundred seventy-eight, and title nineteen of the same chapter, shall apply to said court; and said court shall have jurisdiction of actions of forcible entry and unlawful detainer, and may fix return days for such actions other than the regular term days of said court; and chapter eighty-four of the general statutes of eighteen hundred and seventy-eight, shall apply to said court, and the practice shall be the same in such cases, as near as may be, to similar proceedings in justice courts.

Garnishment.

SEC. 29. Proceedings against garnishee may be instituted in the same manner as in justice courts, but the summons may be served either by an officer authorized by this act to serve process, or by any person not a

party to the action, at any place within the state of Minnesota; and the summons may be made returnable at any term of said court which may be named therein; and the notice required to be served on the defendant may be signed by either the clerk of said court, or the person serving the garnishee summons, or the plaintiff or his attorney.

The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court, except that the examination of the garnishee shall be before the judge of said court or a referee by him appointed.

Transcripts of judgment.

SEC. 30. No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided; but writs of execution thereon may issue against the goods and chattels of the judgment debtor, returnable within thirty days, as in justice courts, the provisions for renewals of executions in district court shall apply to this court, except that such renewal shall extend the life of the execution for only thirty days from the date of such renewal, and except that no renewal of such execution shall be made by the clerk until the fee of twenty-five cents therefor shall have been paid.

Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding five dollars besides costs may, upon paying the fee therefor, demand and shall receive from such clerk a transcript of the docket entries of such judgment, duly certified, and may file the same in the office of the clerk of the district court in and for the county in which said city is situated, who shall file and docket the same, as in the case of transcripts of judgments from courts of justices of the peace.

And every such judgment shall become a lien upon the real estate of the debtor from the time of filing such transcripts to the same extent as a judgment of said district court, and shall thereafter be exclusively under the control of said district court and carried into execution by its process, as if said judgment had been rendered in said district court, the clerk of said municipal court shall not issue such transcript while a writ of execution is outstanding, in the hands of an officer, or otherwise, and shall note on the record of said judgment the fact that such transcript has been given; and shall not, thereafter, issue any writ of execution on the same judgment, but may, at any time after the first transcript is issued, give to any party applying therefor, upon such party paying the clerk's fee therefor, a new

transcript, and the clerk shall note the record of each transcript given upon such judgment.

Criminal complaints and trials.

SEC. 31. Complaints in criminal cases, where the defendant is not in custody, may be made to the judge or clerk, in writing, or reduced to writing by the judge or clerk, and sworn to by the complainant whether the offense charged be a violation of the criminal laws of this state, or of the ordinances, regulations or by-laws of said city; and the clerk shall issue a warrant only upon the order of the judge indorsed upon the complaint, and complaints, warrants and all other process in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of said municipal court, or may be in such other form as the court may prescribe, sanction or approve.

In all cases where alleged offenders shall be in custody and brought before the court without process the clerk shall enter upon the records of the court a brief statement of the offense with which the defendant is charged, which shall stand in place of a complaint unless the court shall direct a formal complaint to be made. The plea of the defendant shall be "Guilty" or "Not guilty".

In case of a failure to plead the clerk shall enter a plea of "Not guilty," and a former acquittal or conviction for the same offense may be proved under the plea as well as if formally pleaded.

In the examination of offenders charged with indictable offenses the clerk shall keep such minutes of the examinations as the court shall direct and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

SEC. 32. In all proceedings had in said municipal court the following fees shall be charged and collected by the judge or clerk as and for the compensation of the judge, and said fees may be taxed in all cases where applicable, as follows:

Fees.

For summons, warrant or subpoena, thirty-five (35) cents.

For a venire for a jury, the same fees as in a justice court.

For a warrant in a criminal case, thirty-five (35) cents.

Taking a recognizance, thirty-five (35) cents.

Administering an oath, twenty-five (25) cents.

Certifying the same when administered out of court, twenty-five (25) cents.

For a writ of attachment, thirty-five (35) cents.

For hearing and deciding every motion for a new trial, every demurrer, and every motion to open a default, one ($1) dollar.

Appeal from taxation of costs, one ($1) dollar.

Entering a judgment, thirty-five (35) cents.

Every adjournment, twenty-five (25) cents.

Every bond, recognizance or security directed by law to be taken by judge of court, thirty-five (35) cents.

Taking an examination, deposition or confession, or entering any cause in docket, per folio, fifteen (15) cents.

For copy of any paper, proceeding or examination in any case, when demanded, per folio, fifteen (15) cents.

Entering a satisfaction of judgment, twenty-five (25) cents.

Issuing a commission to take testimony fifty (50) cents.

Entering any order or exception thereto ten (10) cents.

Entering amicable suit without process, thirty-five (35) cents.

For transcript of judgment, thirty-five (35) cents.

Opening a judgment for rehearing, thirty-five (35) cents.

Filing every paper required to be filed five (5) cents.

Issuing notice to take deposition, thirty-five (35) cents.

Taking recognizance, certifying oath or affidavit, and making return to district court, per folio, fifteen (15) cents.

For search warrant, thirty-five (35) cents.

For commitment to jail, thirty-five (35) cents.

For an order to bring up prisoner, thirty-five (35) cents.

For an order to discharge prisoner issued to jailer, thirty-five (35) cents.

Discharging a prisoner, after hearing a motion to discharge, twenty-five (25) cents.

For an execution, thirty-five (35) cents.

For every other writ not herein enumerated, thirty-five (35) cents.

For every affidavit or other paper drawn by the judge or clerk, for which no other allowance is made by law, per folio, fifteen (15) cents.

Taxing costs, twenty-five (25) cents.

For marrying and making return thereof, three ($3) dollars, and such other sum as may be allowed by the parties making the application.

Holding an inquisition in cases of forcible entry and unlawful detainer, in addition to other fees, one ($1) dollar.

Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty-five (25) cents.

For traveling to perform any duty, when not otherwise provided for and such travel is necessary, per mile, going and returning, ten (10) cents.

Payment necessary.

SEC. 33. The clerk shall not be required to enter any judgment in any cause, nor perform any services required of him in any cause, as such clerk, after the entry of judgment therein, until the fees therefor shall have been paid.

Judge to hold no other office.

SEC. 34. The judge of said municipal court shall hold no other office under said city, and no law partner of said judge shall practice before said court.

Duties of city and county attorneys.

SEC. 35. The city attorney of said city shall have charge of the prosecution of all criminal cases before said court wherein the defendant is charged with the violation of the city charter, or any ordinance or by-law of the city, and the county attorney of the county in which said city is situated shall act in the prosecution or examination of offenders charged with other offenses, when required by law to prosecute in like cases before a justice of the peace.

Costs and fees in criminal cases.

SEC. 36. In all criminal cases tried in said court and in examination of the persons therein charged with crime, the clerk shall tax costs and fees as hereinbefore provided in this act; and when said court has final jurisdiction, and the defendant is convicted the clerk shall tax the said costs as part of the costs against the defendant and include the same in the judgment to be entered against him.

To be paid by county—when.

SEC. 37. In all examinations of persons charged with crime under the laws of this state, and in all trials of criminal cases under such laws, when defendant is acquitted and when he is convicted and does not pay his fine and costs within ninety days after the final determination of said cause, the clerk shall make out an itemized bill of the costs accruing to the municipal court in such case or examination, certified to under his hand and the seal of said court, and file such bill with the auditor of the county in which said city is situated, who shall, upon such presentation, draw his warrant upon the treasurer of such county for the amount of the bill so presented, in favor of the judge of said court, and the treasurer of said county shall forthwith pay the same.

To be paid by city—when.

In all trials of criminal cases under the ordinances, by-laws and regulations of said city, when the defendant is acquitted, and when he is convicted and does not pay his fine and costs within ninety days after the final determination of said case, the clerk shall make

out an itemized bill of said costs accruing to the municipal court in such case, certified to under his hand and seal of said court, and file such bill with the recorder or clerk of said city, who shall, upon presentation, draw his order upon the treasurer of said city for the amount of the bill so presented in favor of the judge of said court, and the treasurer of said city shall forthwith pay the same.

Appeals.

SEC. 38. All appeals from any judgment, order or action of said court shall be had to the district court of the county in which such city is situated, in like manner and under the same rules of practice and procedure as in cases of appeal from justice to district courts, the general laws of this state relating to appeals from justice courts, and the laws relating to proceedings for contempt before justices of the peace shall apply to this court.

This act—how adopted.

SEC. 39. Any city in the class mentioned in the title of this act which may wish to avail itself of the provisions of this act shall do so by a resolution of its common council, expressly accepting the provisions hereof, which resolution shall be adopted by vote of four-fifths of all the members of such council, and be approved by the mayor of such city; and this act shall not apply to any such city until the adoption as aforesaid of such resolution.

SEC. 40. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

CHAPTER 230.

S. F. No. 682.

Municipal bonds.

An act to authorize municipal corporations, having a population of not more than five thousand inhabitants to issue bonds to pay the floating indebtedness thereof.

Be it enacted by the Legislature of the state of Minnesota:

To bond floating indebtedness.

SECTION 1. That the common council of any city, village or borough in this state having a population of not exceeding five thousand inhabitants and a floating indebtedness at the time of the passage of this act exceeding the sum of three thousand dollars shall have power and they are hereby authorized and empowered for the purpose of paying such floating indebtedness to issue bonds of such city, borough or village therefor, bearing interest not to exceed seven (7) per cent per

annum, redeemable at any time within ten years at the discretion of the common council.

Terms of issue. SEC. 2. Said bonds shall be issued in such sums as said common council of said city, borough or village shall determine by resolution, not exceeding five hundred dollars each, with interest coupons attached and payable in not less than two or more than ten years from the date of issue as the common council shall determine, with interest at the aforesaid rate of not to exceed seven per cent, payable annually.

Taxes to pay therefor. SEC. 3. The common council of any such city, borough, or village, in case there is not sufficient revenue derived from other sources shall annually levy and include in the general tax thereof an amount sufficient to pay all the interest on such bonds as may be issued and before the principal or any part thereof becomes due, if they determine the same to be necessary, a sufficient amount to pay such principal or to create a sinking fund to pay the same or any part thereof.

Bonds—how executed. SEC. 4. The bonds and coupons issued under this act, shall be signed by the mayor or other chief executive officer of such city, borough or village and be attested by the recorder thereof and said bonds shall be sealed with the seal of such city, borough or village and said recorder shall keep a true record of all the bonds issued under the provisions of this act.

How negotiated. SEC. 5. Said common council shall not have authority to negotiate such bonds at less than their par value.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 26th 1895.

H. F. No. 68.

CHAPTER 231.

Bonds. *An act to legalize bonds issued by cities under the provisions of chapter two hundred and four (204) of the general laws of Minnesota for the year one thousand eight hundred and ninety-three (1893).*

Be it enacted by the Legislature of the state of Minnesota:

Healing act. SECTION 1. That all bonds heretofore issued by any city under the provisions of chapter two hundred and four (204) of the general laws of Minnesota for the year one thousand eight hundred and ninety-three (1893) are hereby declared valid, notwithstanding that the election for voting upon the question of issuing said

bonds has been called by the council of said city previous to the time of adopting by resolution or ordinance, by the council of such city, said chapter two hundred and four (204) of the general laws of Minnesota for the year one thousand eight hundred and ninety-three (1893).

Provided that all other requirements of law have been fully complied with.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 23rd 1895.

CHAPTER 232.

H. F. No. 831.

An act to authorize cities of this state to issue certificates of indebtedness.

Certificates of indebtedness.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the common council of any city of this state may for the purposes hereinafter mentioned, by a two-thirds (⅔) vote, issue, negotiate and sell certificates of indebtedness, whenever the regular annual appropriation for the support of the police, fire or school departments of said city are now or heretofore have been found insufficient to maintain said departments or there is a deficiency therein or obligations have been incurred for salaries in maintaining said departments that are due and unpaid, or whenever from any reason there is now or has heretofore been a want of funds therein applicable to the payment of any part of the salaries of the officers, members and employes thereof, *provided*, that if at any time after the issuance of said certificates any money shall be received by the city treasurer of any city to the credit of said exhausted fund, the same shall be applied to the liquidation of said certificates, and *provided, further*, that this act shall apply only to deficiencies now existing, anything contained in any law of this state to the contrary notwithstanding, and *provided further*, that the fund produced by the sale of certificates under the provisions of this act shall not exceed the actual deficiency now existing and shall be used and applied for the purpose of paying such salaries for service heretofore rendered to or in behalf of said city by any officer, member or employe of such departments and for no other purpose.

Cities may issue—when.

To be sold not less than par.

SEC. 2. None of the certificates authorized by this act shall be sold for less than par and accrued interest.

Taxes to pay the same.

It is made the duty of the common council of said city in making its tax levy in the year next following the issue of any certificates as herein provided, to include therein an estimate and levy sufficient in amount to redeem the said certificates and interest thereon issued under the authority of this act. And said certificates of indebtedness when issued, shall be issued to mature as near as practicable, at the time when the taxes thus levied shall be collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 355.

CHAPTER 233.

Sprinkling.

An act to authorize cities to sprinkle its streets, lanes, alleys, avenues and public grounds and assess the cost thereof, on abutting property.

Be it enacted by the Legislature of the state of Minnesota:

Cities may sprinkle streets

SECTION 1. All cities in the state of Minnesota are hereby authorized to and shall have power to sprinkle the streets, lanes, alleys avenues and public grounds of said city or any part thereof, and may make contracts for so sprinkling the same in accordance with this act on such terms and conditions as its city council may deem best.

Assess abutting property.

SEC. 2. All cities in the state of Minnesota are hereby authorized to levy assessments for sprinkling its streets, lanes, alleys, avenues and public grounds, upon the property fronting upon such improvement without regard to cash valuation.

Basis of assessment.

SEC. 3. The expense of any such improvement shall be chargeable to and assessed upon the lots and parcels of land abutting upon the street, lane, alley or public ground in which such improvement is contracted to be done upon the following basis:

The entire expense of such improvement in said district for each season, shall be chargeable to and assessed upon the lots and parcels of land, in such district, abutting upon the streets, lanes, alleys and public grounds or parts thereof in which such sprinkling is done, such assessment to be apportioned among the several lots and parcels of land according to the number of square feet of territory sprinkled, abutting on such lot or parcel of land; but in determining such apportionment the territory abutting on a lot or parcel of land shall in no

instance be estimated beyond the center of the street, nor shall any portion of any street intersection be estimated as a part of the territory abutting upon a corner lot.

All work authorized by this act shall be paid for from the general fund of such city upon monthly estimates made by the person or persons designated by the city council for that purpose.

Provided, if said city council shall by resolution determine that the cost of a portion of such improvement shall be borne by the city, such portion to be designated in such resolution and not to exceed the street intersections, and all territory abutting upon public parks, squares and grounds, and lots or parcels of ground owned by such city, the state of Minnesota and United States of America then and in such case, such portion so designated shall not be included in such assessment.

Sprinkling territory—districts.

SEC. 4. Before any proceedings are had by the council said council shall each year by ordinance determine what territory in said city shall be sprinkled and may divide such territory into one or more sprinkling districts, accurately describing the boundary lines of each district, each district so determined shall be designated by number and thereafter all reference to such district, by number shall be deemed a sufficient designation, said ordinance shall further provide for all supervision and inspection of said work and shall designate what officer or officers of said city shall supervise and inspect said work in accordance with the plans and specifications therefor and shall accurately determine the powers and duties of such officer or officers with reference to all sprinkling contracts awarded by the city council.

Contract.

SEC. 5. The contract price to be paid by said city for the doing of such work shall be upon the basis of sprinkling one hundred square feet per week, during the life of such contract; if in the opinion of said council it is deemed impractical, at the time of letting said contract, to designate the exact length of time during which sprinkling is necessary in the district designated, during any particular season, said council may let such contract without so designating the beginning and ending of such sprinkling season; and upon the city so letting such contract, the officer or officers of said city designated as superintendent of said work shall have power to order the beginning of said work upon three days' notice to the contractors therefor, and shall likewise have power to order said work to cease for the season, if in his opinion no necessity therefor exists, and such order and direction by said superintendent

shall be final, conclusive and binding upon all parties concerned.

Plans and specifications.

SEC. 6. Prior to the passage of any resolution for the letting of a contract for sprinking, the expense of which is to be assessed upon abutting lots or parcels of land, as provided in this act, the city council of such city shall cause plans and specifications for such sprinkling, to be made and presented to the council for its approval, and the same shall immediately upon the approval thereof by the council, be filed with the city clerk or recorder of said city for the inspection of all parties interested.

Bids.

The city council shall then designate a time, not less than twenty days distant, and a place at which it will meet and act in relation to the doing of the proposed work, and direct that notice be given by the clerk or recorder of such meeting and the time and place thereof, and that in the meantime sealed proposals for the doing of such work will be received by the city clerk.

Notice—publication.

In such notice shall be named the district where such sprinkling is to be done and reference shall be made therein to the specifications so filed with the clerk, and the said notice shall be given by publication thereof in the official paper of said city at least once in each week for two successive weeks prior to the time designated as aforesaid by the council.

At the time and place designated in such notice an opportunity shall be given to any and all interested parties to be heard for or against such proposed work and the recorder or clerk shall in presence of the city council, open and read all sealed proposals which may have been received for the doing of such work, and the furnishing of all material therefor, and the city council may then, by a majority vote of all its members accept the most favorable proposal (such proposal to be that of the lowest responsible bidder) and by resolution authorize the doing of the proposed work, or any part thereof, by the person or persons whose proposal shall have been accepted, and direct that written contract be made with him or them therefor or may reject any or all proposals offered, and refuse to authorize the doing of such work, or may, in its discretion from lack of quorum or other reason postpone the consideration and decision of the whole matter or any branch thereof to a future time, of which postponement all parties interested shall be required and deemed to take notice.

Such resolution after the same has been passed by the council shall be signed by the president of the council and attested by the recorder or clerk, and on the next day after the passage thereof the same shall be

transmitted by such recorder to the mayor for his approval.

If the mayor approve the same he shall append his signature with the date of his approval thereto and return the same to said recorder within five days (Sundays excepted) from the date of its transmission to him, and if he declines to approve the same he shall within said period of five days return the same to the clerk or recorder with a statement of his objections thereto, to be presented to the council at its next meeting thereafter.

Upon the return of said resolution to the council, without the mayer's approval, the question shall again be put upon the passage of the same, notwithstanding the objections of the mayor and if upon such vote, which shall be taken by a call of the ayes and noes, two-thirds of all the members of the council shall vote in favor of such resolution, the same shall be declared enacted and shall have the same force and effect as if approved by the mayor.

If such resolution so submitted to the mayor shall not be returned by him to the recorder within said five days, Sundays excepted, after presentation thereof to him, the same shall be deemed to be approved by him, and he shall deliver the same to the clerk or recorder on demand.

Contracts—how executed.

SEC. 7. All contracts authorized by this act shall be executed on behalf of the city by the mayor, and attested by the clerk or recorder.

Assessment—when made.

SEC. 8. Upon the completion of a season's work authorized by this act in any sprinkling district the officer or officers designated by said council to superintend the same shall immediately assess the cost of such work to the several lots and parcels of land in such district in the manner provided by this act and determine what part of the cost shall be borne by each such lot or parcel, and shall make an assessment thereof in writing in which shall be given a description of each lot or parcel so assessed and the exact amount assessed thereto, and shall at the next regular meeting of the city council, after the completion of such assessment, submit the same to the city council, with a certificate that said work has been completed.

Notice of assessment.

SEC. 9. On receipt of said assessment the council shall direct that the same be placed on file with the clerk or recorder for the inspection of all parties interested and shall appoint a time not less than ten days distant and a place when and where it will meet to consider and act upon such assessment and the clerk or recorder shall thereupon cause notice of such meet-

ing and the time place and purpose thereof, to be given by one publication of such notice in the official newspaper of such city at least five days prior to the time so appointed for said meeting; in such notice reference shall be made to the number of the sprinkling district in which such assessment is made, and shall state the amount assessed for each one hundred square feet of territory sprinkled for the season.

Hearing objections.

SEC. 10. At the time and place so appointed as provided in the last preceding section, the council shall proceed to consider said assessment and hear all objections which parties interested may desire to make thereto and may adjourn, if necessary, from time to time and shall after due consideration, make such corrections or changes in said assessment as they may deem necessary to perfect and equalize the same on the basis prescribed in this act, and shall confirm and establish the assessment as so corrected and equalized; and the said assessment, as so confirmed and established shall be final, conclusive and binding upon all parties interested and no appeal shall lie in any case from such confirmation; and the several amounts charged in such assessment as so confirmed and established against the several lots and parcels of land therein mentioned, shall be collected as hereinafter provided.

If any assessment be annulled or set aside the said officer or officers designated to make such assessment shall proceed de novo to make another or new assessment in like manner, and like notice shall be given as herein required in relation to the first.

Assessing railroads.

SEC. 11. When in any case any portion of the cost and expense of making any improvement mentioned in this act shall by virtue of any valid law or ordinance, or by virtue of any valid contract be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon real estate chargeable as provided by this act, and the city may collect the amount so assessed upon said railway company by distress and sale of personal property, in the manner provided for by the general laws of this state in the case of taxes levied upon personal property, or by suit brought for that purpose; *provided*, however, that any real estate belonging to such railway company shall be assessed as in other cases.

Confirmation.

SEC. 12. When any special assessment shall have been confirmed it shall be the duty of the clerk or recorder to issue a warrant for the collection thereof, which shall br under the seal of said city, and signed by the mayor and such clerk or recorder of said city, and shall con-

tain a printed or written copy of the assessment roll as confirmed as aforesaid, or so much thereof as describes the real estate and the amount of the assessment in each case.

Warrants for collection.

SEC. 13. All warrants issued for the collection of special assessments shall be delivered by the clerk or recorder to the city treasurer within five days thereafter, taking his receipt therefor.

Lien.

SEC. 14. All assessments levied under the provisions of this act shall be a paramount lien on the real estate on which the same may be imposed from the date of the warrant issued for the collection thereof.

Notice of warrants.

SEC. 15. Upon the receipt of any warrant for the collection of any special assessment authorized by this act, the city treasurer shall forthwith give notice by one publication in the official newspaper of the city that such warrant is in his hands for collection, briefly describing its nature, and requiring the respective owners of the several lots and parcels of land mentioned in such assessment to pay the amount therein assessed against such lots or parcels respectively, to said city treasurer within thirty days from the date of the first publication of such notice.

Penalty.

SEC. 16. At the expiration of the time limited in the notice required by the last preceding section, the city treasurer shall return to the recorder a list duly certified by him, said treasurer, of the assessments so made which still remain unpaid, giving in such list the description of the several lots or parcels on which the assessments have not been paid, and the several amounts assessed thereto.

The city recorder shall thereupon add to each such delinquent and unpaid assessment a penalty of ten per cent, and forthwith transmit a duly certified list of such unpaid assessments, with a description of the several lots or parcels of land on which the same are made, and the names of the respective owners thereof, if known to the county auditor, who shall enter the several amounts of the said unpaid assessments on the tax list for said city for the next ensuing year, and levy the same upon the several lots or parcels of land to whom the same are respectively chargeable, and the same shall thereupon be collected as other taxes on real estate are collected.

Informalties—errors.

SEC. 17. No assessment in this chapter provided for shall be set aside or held invalid by reason of any error, omission, informality or irregularity in the proceedings prior to the entry thereof on the tax list by the auditor of said county as hereinabove required, unless it shall appear that by reason of such error omission, infor-

mality or irregularity substantial injury has been done to the party or parties claiming to be aggrieved.

The certified list of all unpaid assessments transmitted by the city clerk to the county auditor referred to in this act shall be prima facie evidence, that the proceedings up to the date of such certified list were valid and regular.

Reassessment.

SEC. 18. In all cases where any court hereafter shall for any cause whatever set aside or declare void any assessment made under any of the provisions of this act the city council shall without unnecessary delay instruct its officer or officers to make a reassessment or new assessment to defray the expense of such improvement and such reassessment or new assessment shall be made in accordance with the provisions of this act and when the same shall have been made and confirmed by the city council it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act.

And in case where any court hereafter shall set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed from time to time until each separate lot, piece or parcel of land has paid its proportionate part of the costs and the expenses of said improvement as near as may be.

New warrants—when.

SEC. 19. In all cases where the treasurer, county auditor or county treasurer shall be unable to enforce the collection of any special assessment authorized by this act by reason of irregularity or omission of any proceedings subsequent to the confirmation of such assessment the clerk and mayor of such city are hereby authorized and empowered to issue a new warrant to the treasurer for the collection of any assessment which by reason of such irregularity or omission remains unpaid or not collected.

Thereafter all proceedings shall be had under such new warrants to enforce the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this act for the enforcement and collection of special assessments after the same shall have been confirmed as in this act provided, and as often as any failure shall occur by reason of such irregularities or omissions a new warrant may issue and new proceedings be had in like manner until such special assessment shall be fully collected as to each and every tract and parcel of land charged therewith.

Reletting contracts.

SEC. 20. In all cases where work contemplated by the provisions of this act shall be suspended before final completion by failure of the contractor to perform the

same, or for any other cause the city council may relet the unfinished portion of such work in the same manner, as near as may be, as provided in this act for the letting of contracts, and in every case of such new contract the work shall be paid for in the same manner as contracts for other like improvements.

Publication of notices.

SEC. 21. When any notice is required to be published in any newspaper under this act, an affidavit of the publisher or printer of such newspaper or of the foreman or clerk of such publisher or printer annexed to a printed copy of such notice taken from the paper in which it was published, and specifying the time when and the paper in which such notice was published, shall be evidence in all cases and in every court of judicial proceedings of the facts contained in such affidavit.

May re assess for deficiency.

SEC. 22. If for any cause, the proceedings of the city council or any officer may be found irregular or defective, whether jurisdictional or otherwise, the city council may order a new assessment from time to time, and as often as need be, until a sufficient sum is realized from the real estate abutting on the street in which such improvement has been made to pay the costs, damages and expenses incurred thereby, it being the true intent and meaning of this act to make the cost and expenses of all public improvements provided for in this act local to such city and payable by such abutting real estate.

Adoption of this act.

SEC. 23. Any city in the state of Minnesota heretofore or hereafter incorporated may become subject to the provisions of this act, and the city council of such city may effect the same by an ordinance thereof, duly passed by a two-thirds majority of all the members of such council voting in favor of the same and approved as provided by the charter of such city; and a certified copy of such ordinance so approved and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the office of the secretary of state, and such city shall thenceforth be deemed to be subject to the provisions of this act and shall be governed, controlled and regulated by and under the provisions of this act, and the city officers of said city shall thereupon exercise the powers conferred herein, and all courts in this state shall take judicial notice of the fact of such city becoming subject to the provisions of this act;

And none of the provisions of this act shall have any force or effect in any city of this state unless accepted as in this section provided.

Conflicting laws.

SEC. 24. After the passage and adoption of the ordinance mentioned in the last section and the filing of the same with the secretary of state all laws of such city in conflict with this act shall no longer be applicable, and shall be repealed from and after that date, but all laws or parts of laws not inconsistent with the provisions of this act shall continue in force and be applicable to such city the same as if such city had not become subject to the provisions of this act.

Existing suits and claims.

SEC. 25. All suits, debts, taxes and claims whatever belonging to the said city shall be and remain in full force, and shall be sued for, recovered or collected under the provisions of law governing the said city prior to the acceptance of this act, and all proceedings for the collection of any special assessment for local improvements, authorized by this act, contracted for before such city became subject to the provisions of this act, shall be proceeded in as though no change had been made in the laws regulating and governing such city.

SEC. 26. This act shall take effect and be in force from and after its passage.

Approved April 15th, 1895.

S. F. No. 721.

CHAPTER 234.

Delinquent special assessments.

An act limiting the amount of costs to be charged and collected in the enforcement of the payment of delinquent special assessments.

Be it enacted by the Legislature of the state of Minnesota:

Costs.

SECTION 1. That the amount of costs to be charged and collected in the enforcement of the payment of delinquent special assessments made by any city of this state against each piece of real estate so assessed, whether such city exists under special act or general law, shall be the following amounts and no more, to-wit:

For entering judgment fifteen cents each description and defraying the cost of advertising and notice of sale the sum of twenty cents. For making sale of such real estate and for such other expenses as may be incurred by the city in selling the same, the sum of ten cents.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 235.

H. F. No. 457.

An act for the levy and collection of special assessments in cities having a population of less than twenty-five thousand (25,000) inhabitants, and to provide for the payment in installments of assessments for local improvements, and to issue bonds or certificates of indebtedness for the amount of such installments.

Assessments for local improvements.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That any city within this state having a population of less than twenty-five thousand (25,000) inhabitants, as determined by the national or state census next preceding the making any assessment such as hereinafter mentioned and whether organized and existing under a general or special law in addition to any powers that now are or hereafter may be by law conferred upon upon it relating to the levy or collection of special assessments upon property abutting upon or benefited by any public improvement made within any such city shall have power and authority by a majority vote of the city council of any such city, to provide by ordinance, by-law or resolution, that any such assessment or any part thereof may be paid in annual installments of any number, not exceeding ten (10), with interest upon such deferred installments payable annually at a rate not exceeding six (6) per centum per annum.

Cities of less than 25,000.

May authorize payment in installments.

SEC. 2. That when any such improvement shall be fully completed the city council of any such city shall proceed to determine upon what real property the cost of such improvement or any part thereof shall be assessed, and shall make and levy an assessment to defray such cost, which assessment shall distinctly describe each tract or parcel of land included in such assessment and the amount assessed against each such tract or parcel. Such assessment may be substantially in the following form, viz.:

Method of assessment.

"The city council of the city of..... doth hereby assess and levy upon and against the several lots and parcels of land below described and situate in said city, the respective sums of money set opposite each such lot or parcel."

This assessment is made to defray the cost and expense of ..... along ..... street from ..... street to ..... street in said city.

Said lots or parcels of land abutting upon such improvement are assessed upon the basis of ..... per foot front, and said lots not abutting upon but benefited by such improvement upon the basis of ..... per foot front.

Name of Owner, if Known	Description of Land.	Lot.....	Blk.....	Abutting or benefited.	Am't. $	Am't. c

Done at a meeting of said city council, held this ..... day of ..... A. D. .....

Attest: .....
Mayor.

.....
City Clerk.

How distributed.

SEC. 3. If any such asssessment be made wholly upon lands abutting upon such improvement the same shall be an equal sum per foot front for each and every foot of land abutting upon the street, alley or public ground within which such improvement shall be made. If such assessment be made in part upon the lands abutting upon such street, alley or public ground, and in part upon lands not so abutting but which shall be by such council determined to be benefited by such improvement, then the portion of the cost of such improvement assessed upon such abutting lands shall be an equal sum per foot front for each and every foot so abutting, and the portion of such cost so assessed upon such non-abutting lands shall be an equal sum per foot front of such non-abutting lands which by said council shall be determined to be in the same class. In all cases in which any lot or tract of land abutting upon any street, alley or public ground shall have been once assessed as an abutting lot or tract for the purpose of paying the cost of any sewer constructed in any such street, alley or public ground it shall not be again assessed for the purpose of paying the cost of constructing any sewer in any other or different street, alley or public ground.

Resolution authorizing installments.

SEC. 4. When such assessment is completed the city council shall by resolution determine the number of annual installments, if any, in which such assessment may be paid, which resolution shall form a part of such assessment and shall be substantially in the form following, to-wit:

Resolved, that each and every of the respective sums so as aforesaid assessed upon the tracts or lots of land above respectively described may be paid in ..... equal annual installments with interest thereon payable annually at the rate of ..... per centum per annum until paid.

The city clerk or other like officer of any such city, shall within ten (10) days after the making of any such assessment, cause a copy thereof, and of such resolution, to be published once in the official paper of such city, together with a notice, to such copy attached and signed by such clerk or other like officer, that the owner or any person interested therein, or having a lien upon any tract or parcel of land in such assessment described, may, at his election pay the sum assessed against such tract or parcel in one sum and at one time instead of in the installments, in and by such resolution provided.

Any person electing so to pay in one payment, as a condition precedent to the exercise of such right, and within ten (10) days after the publication of such notice shall file a notice of such his election in the office of such clerk or other like officer. Such clerk or other like officer shall within five (5) days after the expiration of said last named period of ten (10) days make and file in the office of the county auditor of the proper county a certified copy of such assessment and resolution, and shall also make and attach thereto a tabulated statement containing a description of each and every tract or parcel of land described in such assessment, and the amount of principal and interest of such assessment which will become due upon each and every such tract or lot during each and every year in which any installments of such assessment will become due. Upon the filing of such copy of such assessment and resolution in the office of said county auditor the amount assessed upon each and every tract or lot of land in such assessment described shall forthwith be and become a first lien upon such tract or lot, which lien shall continue until such assessment be fully paid.

Single payment—when.

The county auditor shall on or before the first (1st) day of January next succeeding the filing in his office of such assessment, resolution and tabulated statement, enter upon the tax lists of said county, as a special assessment upon each and every of the tracts or lots in said assessment and statement described the amount set opposite such tract or lot as first becoming due, and on or before the first (1st) day of January in each and every year thereafter until such installments be fully paid he shall in like manner enter upon such tax lists the amount of such installment next to become due.

Assessment to be listed by county auditor

Such assessments shall be collected in the same manner as is or may be provided for the collection of state taxes.

The city clerk, or other like officer, of any such city shall on or before the first (1st) day of October in each and every year file in the office of said county auditor a statement containing a description of each and every tract or lot of land upon which the then next maturing installment of such assessment has not been paid and the amount of principal and interest which will next become due upon such assessment.

Certificates of indebtedness—bonds.

SEC. 5. That for the purpose of providing funds in advance of the collection of the moneys to be derived from any such assessment, the city council of any such city may from time to time issue the bonds or certificates of indebtedness of such city, to be paid out of the moneys to be collected from any such assessment.

Such bonds or certificates shall bear date of the day when actually issued and delivered, shall be under the corporate seal of such city signed by the mayor and countersigned by the city clerk, or other like officer thereof, in such sums as the city council may from time to time determine not exceeding in the aggregate the amount of such assessment, shall be payable at the office of the city treasurer of such city at such time or times as such council may determine and out of the funds to be derived from the assessment in such bond or certificate specified, with interest payable annually at a rate not exceeding six (6) per centum per annum and shall be payable to order or bearer as by such council determined.

The installments of interest accruing upon any such bonds or certificates shall be evidenced by coupons or orders thereto attached, signed by the mayor and city clerk or other like officers of such city. Such bonds or certificates shall not be sold, negotiated or disposed of by any such city issuing the same, or by the city council thereof at less than the par value thereof.

All moneys collected from any such assessment shall be set apart for, and applied to, the payment of the bonds or certificates issued upon such assessment, and shall not in whole or in part be applied to any other or different use or purpose whatever.

Errors, &c.

SEC. 6. No error or informality in any action taken by any such city in the ordering or making any such improvement, or the levy of making of any such assessment, or the execution, delivery or issue of any such bonds or certificates shall in any manner affect the validity of any such assessment bonds or certificates.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 19th 1895.

CHAPTER 236.

S. F. No. 611.

An act to authorize the extending of the time of payment of assessments for local improvements by cities, and of the installments of such assessments which have heretofore been divided into installments, and to authorize the issuance of certificates of indebtedness thereon and to provide for the enforcement and collection of the assessments and installments so extended.

Local improvement assessments.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. In any city of this state where assessments have heretofore been levied for local improvements on real property fronting upon or benefited by such improvements and such assessments or any of them, or any installments into which such assessments may have been divided so as to become due and payable in successive years, have not been paid when due and payable whether application for judgment has been made or judgment thereon rendered or not, the common council of said city upon the application in writing of any owner or owners of any lot or parcel of land against which any such assessment has been made may by resolution extend the time for the payment of such assessments or installments as to said lot or parcel for a period not to exceed five (5) years.

Extending time of payment.

Application.

Provided however, that the common council of such city shall not have the right to so extend the time for the payment of any assessment or installment on which judgment has been rendered and a sale of the property thereunder had, at which sale said property has been bid in by any person or corporation other than such city or the state or where said property has been bid in at such sale by such city or the state and afterwards assigned to any person or corporation.

Provided further, that no such extension of any assessment or installment of an assessment on any lot or parcel of land shall be granted except upon condition that the owner or owners of such lot or parcel shall pay into the city or county treasury all interest and costs thereon up to the time from which such extension is to take effect; and upon the further condition that if judgment has been entered on said assessment or install-

ment and in said judgment is included also judgment for state, county or other taxes or assessments, the owner or owners of such lot or parcel shall pay so much of said judgment as was entered for such state, county or other taxes or assessments together with all interest, penalties and costs upon the whole of said judgment.

Extending time for paying installments.

SEC. 2. If at the time of the making of said application said assessment has already been divided into installments and any of said installments have become due and payable and have not been paid, said common council may extend the time for the payment of any such installment whether application for judgment has been made or judgment thereon rendered or not for a period not to exceed five (5) years from the time said installments so become due and payable and thereafter may upon like application extend the time for the payment of each successive installment into which said assessment has been divided when the same shall become due and payable and shall not be paid for a period not to exceed five (5) years from the time such installment shall become so due and payable.

Each of said installments so extended shall bear interest at the rate of seven (7) per cent per annum from the date when the installment for which said extension was so made became due and payable.

Dividing into installments.

SEC. 3. If at the time of the making of such application said assessment has not been divided into installments then the common council of said city shall upon granting such application direct the comptroller or if there is no comptroller the clerk, to divide the whole amount so assessed against any lot or parcel of such owner or owners for any such improvement into not more than five equal installments.

The time for the payment of the same and for the enforcement of the same against the property affected by the assessment to be extended so as to become due and payable as follows:

The first installment on October 1st of the succeeding year, the second installment on October 1st of the second succeeding year, the third installment on October 1st of the third succeeding year and so on.

Each of said extended installments shall bear interest at the rate of seven (7) per cent per annum from the time of the extending and dividing of said assessment into such installments *provided* that no assessment shall be divided so that the amount of any of the installments into which it is divided shall be less than $10.00.

Proceedings in case of default.

SEC. 4. After the time of payment of any such installments has been so extended as aforesaid, or any assessment has been so extended and divided into installments

as aforesaid, if any installment so extended shall not be paid when it becomes due and payable, the comptroller of said city, or if there is no comptroller the clerk, shall on the 5th day of October in each year certify to the county auditor such extended installment which has become due and payable on or before the first day of October in that year and which has not been paid, with interest thereon as a special tax on said property, and the said auditor on receipt thereof shall enter and carry out the same upon the proper tax list for that year and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced, and when collected paid over to the treasurer of said city.

Certificates of sale.

SEC. 5. The common council of said city if they shall deem it expedient may by resolution divide the amount of the installments which have been so extended as aforesaid and which as extended will become due and payable on or before the first day of October in any year, into such sums and amounts as they shall deem most advisable and order the issuing of certificates representing such sums which shall entitle the holder thereof to demand and receive from said city upon surrender of said certificates to its treasurer on or after the time limited for their payment, the sum of money mentioned to be paid therein with interest to the date limited for their payment.

The rate of interest to be mentioned in said certificates shall not exceed seven (7) per cent per annum.

If the amount of said extended installments aforesaid is divided into sums as aforesaid, the said certificates shall be numbered from one to the number ordered issued inclusive, and the extended installment shall be represented by number on the certificate.

The common council may however, cause one certificate to be issued representing the whole amount of the extended installment so becoming due and payable as aforesaid on or before the first day of October in any year.

The certificate shall be substantially in the following form:

Form of certificate.

Public improvement certificate of..... (name of city) extended installment number..... Certificate number..... Amount..... Date .....

To whom it may concern:

This is to certify that the sum of ..... dollars has been duly assessed against the lots and parcels of land mentioned in the assessment roll for the improvement of ..... street, (avenue or alley, as

the case may be) in said..... (name of the city) which said assessment is a valid and subsisting lien and charge against the lots, pieces and parcels of land therein mentioned and described, and that said sum has been divided into installments; that this certificate represents the sum of ..... dollars of extended installment No....., which is due and payable to said..... (name of city) out of the property pledged by law for its payment on or before the first day of October, 18....., and is issued pursuant to the provisions of an act of the legislature of the state of Minnesota entitled (here insert title of act) approved on the ..... day of ..... 18....., and the said ..... (name of the city) hereby guarantees to the holder of this certificate that it will cause to be collected the said extended installment and will pay upon surrender of this certificate to its treasurer at ..... on the first day of July, 18....., the sum of..... dollars with interest thereon from the date hereof to the time mentioned herein for payment at the rate of ..... per cent per annum.

In testimony whereof the said..... (name of city) has caused this certificate to be signed by its mayor, and attested by its clerk and its corporate seal affixed hereto this..... day of..... 18.....

(Seal.)

Each certificate shall be made payable on the first day of July following the first day of October on or before which the extended installments on which the certificate is issued become due and payable.

How executed. Each certificate shall be signed by the mayor and attested by the clerk and countersigned by the comptroller, if there is a comptroller, and shall have attached thereto the corporate seal of said city. The amount of such certificate shall not be regarded as a part of the debt of said city within the meaning of the limit provided for in the charter of said city beyond which said city shall not be authorized to issue its bonds, or to contract debts.

The common council of said city may sell and assign said certificates, at a price not less than their par value and apply the proceeds thereof to the payment, or redemption of any certificates which have been theretofore issued on account of the same improvements or to the payment of the cost of the improvements or other purposes, for which they were respectively issued; or may in their discretion transfer said certificates at their par value direct to contractors in payment of the contract price for the improvements or other purpose to which they are respectively applicable.

The comptroller or if there is no comptroller the clerk of said city, shall keep in his office in books to be provided for that purpose, a correct record of all assessments or installments extended and of all certificates issued pursuant to the provisions of this act; the said books to be properly ruled and headed so as to show a substantial description and history of each extended assessment or installment and of each certificate, including date, number and amount on what improvements issued, when and to whom sold or assigned, and at what price, with space for writing final disposition of the same. Record.

SEC. 6. Any owner or party interested in any piece or parcel of land against which said assessment is levied, may pay any extended installments thereof, with interest thereon at the rate hereinbefore provided to the date of payment, to the treasurer of said city at any time before the first Monday in January following the date on which such extended installment may be or has been certified as hereinbefore provided to the county auditor, and said treasurer shall thereupon give his receipt in duplicate for the same, which shall be sufficient authority upon presentation to the comptroller, or if there is no comptroller to the clerk, for the cancellation of said extended installment which has been so paid. Extending installments, payment of.

Upon the presentation of said receipt the comptroller, or if there is no comptroller the clerk, shall cancel the same on his books, and if the same has been certified to the county auditor, he shall certify said payment to said county auditor, who shall cancel the same on his books and from and after that time the lien on said land shall cease to the amount of such payment.

After the first Monday in January following the date on which any delinquent extended installment shall have been certified to the county auditor, the same must be paid to the county treasurer who shall give his receipt therefor in duplicate, which shall be sufficient authority for the county auditor, upon the presentation thereof to him, to cancel the same, and said county treasurer shall pay over the amount thereof to said city treasurer.

Upon the presentation of such receipt the county auditor shall cancel the same and from and after that time the lien on said land shall cease to the amount of such payment.

The county auditor shall not issue his certificate that taxes are paid on any piece or parcel of land upon which any such delinquent extended installment has been certified to him until such extended installment, with interest and penalties thereon has been paid and cancelled as aforesaid.

Lien.

SEC. 7. Any installment, the time of payment of which has been so extended, shall continue to be and shall be and constitute a lien in favor of said city and against each of the lots or parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel and until the same is fully paid.

Validity—estoppel.

SEC. 8. When such application for an extension of the time of payment of any assessment or installment of an assessment shall have been made and granted as aforesaid, the owner or owners and his or their heirs, personal representative or assigns, of any lot or parcel of land as to which such an extension has been granted shall be held to have recognized and assented to the validity and regularity of said assessment and of all proceedings had thereon prior to the granting of said application, and shall be thereby forever estopped from denying the validity of said assessment or the amount thereof.

Steps in granting the extension.

SEC. 9. When such application has been granted by the council, the same shall be forwarded to the comptroller, or if there is no comptroller to the clerk, who shall make such extension of the time of payment of such assessment or installment when the conditions have been fully complied with.

If said assessment or installment has prior to the granting of the application for the extension thereof been certified to the county auditor, the comptroller, or if there is no comptroller the clerk, shall make and deliver to the person or persons making said application, a certificate to said county auditor that such extension has been granted upon the conditions hereinbefore prescribed being complied with.

Upon the presentation of said certificate to the county auditor, if judgment has not been entered on said assessment or installment, he shall make an entry on his books containing said assessment or installment opposite to said lot or parcel as to which said extension has been granted that said extension has been granted and said assessment or installment shall thereby be cancelled on his books.

In case of judgment entered.

If judgment has been entered on said assessment or installment said auditor shall make and deliver to the person or persons making application for said extension, a statement showing the amount of the assessment or installment which is to be extended and the amount of all other taxes which are included in said judgment, together with interest, penalties and costs; and such person may present the same to the county treasurer, and pay to him such amount of all other taxes except said assessment or installment, together

with interest, penalties and costs on the whole of said judgment, and said county treasurer shall thereupon give duplicate receipts for such payment, one of which shall be delivered to such person and the other shall be immediately filed with the county auditor by said county treasurer.

Upon the filing of such receipt with the county auditor he shall enter on his books opposite the lot or parcel to which the same applies, the amount paid, and that such extension has been granted as to the assessment or installment, giving the amount of such assessment or installment, and said entry shall be a satisfaction of said judgment.

Upon making any entry of the extension of any assessment or installment the county auditor shall make and forward to said city comptroller, or if there is no comptroller, to the clerk, forthwith a certificate of such entry showing in detail what such entry is, and upon the receipt thereof the city comptroller, or if there is no comptroller the clerk, shall make and enter on his books the extension of the time of payment of such assessment or installment, and shall carry such extended assessment or installment on his books, to be enforced and collected as hereinbefore provided.

Arresting proceedings for judgment—when.

SEC. 10. In all cases where proceedings are now pending in any court upon an application for judgment for any assessment, or any installment of any assessment, such assessments, or if the same is divided into installments, each and every of said installments whether now due or hereafter to become due, may be extended at one time in the manner hereinbefore provided, for a period of five years from the date when said assessment became due, or when said installments became due or hereafter become due, and such extension shall operate as a dismissal of said proceedings.

As soon as such extension is made said comptroller or clerk as the case may be, shall forthwith certify the fact of such extension to the clerk of the court in which such proceedings are pending, and thereupon it shall be the duty of the judge of such court to forthwith enter an order dismissing said proceedings.

Prerequisite for extension.

SEC. 11. No such extension of the time of payment of any assessment or installment which has heretofore become due and payable shall be granted unless the owner or owners of any lot or parcel of land as to which said extension is desired, shall make application therefor as herein provided within six months after the passage of this act.

And no such extension of the time of payment of any installment which shall hereafter become due and pay-

able shall be granted unless the owner or owners of any lot or parcel of land as to which said extension of the time of payment of such installment is desired, shall make application therefor as herein provided within sixty (60) days after said installment shall so become due and payable.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 642.

CHAPTER 237.

An act to prohibit cities of this state from assessing, levying or collecting frontage water tax upon real estate for a longer period than ten years.

Be it enacted by the Legislature of the state of Minnesota:

10 years limit to water frontage tax.

SECTION 1. That no city within this state shall assess, levy, or collect any frontage tax or assessment upon lots or property abutting or bordering upon any water main or water pipes defraying the expense in whole or in part of the construction and maintenance of any system of water works according to the lineal foot of each frontage, for a longer period than ten years from and after the first levy of such tax or assessment.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 30th 1895.

S. F. No. 412.

CHAPTER 238.

An act to authorize cities to pay for services performed for such cities.

Be it enacted by the Legislature of the state of Minnesota:

Paying for services of one holding election certificate.

SECTION 1. Whenever any person under and by virtue of a duly issued certificate of election in good faith has performed or shall perform services such as may at the time be authorized by law for any city, the city or common council for such city are hereby authorized and empowered to fix, allow and provide for such compensation therefor as shall not exceed the rate provided by

law for like services for such city for which provision exists for payment thereof.

SEC. 2. Whenever the city or common council shall fix, allow and provide for compensation for any such service the same shall be audited, allowed and paid in the same manner as other claims against such city.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 17th, 1895.

CHAPTER 239.

H. F. No. 596.

An act to limit the term of office of all aldermen, and councilmen of cities or other municipalties within this state to two (2) years.

Term of office of aldermen.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That all aldermen or councilmen of all cities, or other municipalities of this state hall hereafter be elected to such position therein, for a term of office as such aldermen and councilmen thereof, not exceeding two (2) years, and their official term shall commence as now provided by law. All laws now in force in relation to the term of office of aldermen or councilmen of any city or other municipality contravening the provision of this act, in relation to the term of office of such aldermen, or councilmen therein are hereby repealed.

No to exceed two years.

SEC. 2. At the next municipal election held in and for any and all cities, or other municipalities, as provided by law for the election of aldermen or councilmen therein, there shall be elected aldermen or councilmen thereof for the term of two (2) years only.

Shall be elected for two years.

The official term of aldermen, or councilmen to commence as provided by law, in and for such city or municipality, and shall terminate two (2) years thereafter.

Application of this act.

SEC. 3. The provisions of this act shall not apply to any city or municipality in this state where by the provision of their charters annual elections are held for city or village officers, nor shall it apply to cities having a population of more than one hundred thousand (100.000) people.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

H. F. No. 487.

CHAPTER 240.

Weighmaster—scales.

An act authorizing cities to establish public scales and create the office of weighmaster.

Be it enacted by the Legislature of the state of Minnesota:

City may establish scales, &c.

SECTION 1. Any incorporated city in this state is hereby authorized and empowered to establish and maintain public scales for the weighing of hay, grain, seed, pork, coal and all other gross commodities offered and exposed for sale in such city, and to create the office of weighmaster, to take charge of and conduct the said city scales, and inspector of coal and wood.

Such scales shall be established and such office of weighmaster shall be created by ordinance duly passed by a majority vote of all the members of the city council of such city. The powers and duties of said weighmaster and inspector of coal and wood shall be established and defined by such ordinance.

Weighmaster.

SEC. 2. Upon the passage of the ordinance provided for in section one (1) of this act, and yearly thereafter, the city council of such city shall without delay elect a weighmaster and inspector for such city who shall hold his office for one (1) year from the date of his election and until his successor shall be elected and qualified.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

S. F. No. 690.

CHAPTER 241.

Witness fees—state cases.

An act prohibiting officers and employes of cities in this state from receiving fees as witnesses in any case in which the state of Minnesota, or any city or county in said state, is a party.

Be it enacted by the Legislature of the state of Minnesota:

No officer of city to receive.

SECTION 1. No officer or employe of any city or county in this state shall hereafter receive or be paid any sum as witness fees, in any case in which the state of Minnesota, or any city in said state, is a party; *provided*, that this act shall not prevent any county from paying the actual expenses of any such officer or employe while attending as a witness during the trial of

any such case in any place other than the residence of such officer or employe.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 242.

S. F. No. 467.

An act to fix and regulate the salaries and compensation of the officers and employes of certain cities in the state of Minnesota, and to confer certain powers and duties upon the common councils thereof in relation thereto.

Salaries of city officers.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That in all cities of the state of Minnesota having a population of over one hundred thousand inhabitants (100,000) and not exceeding one hundred and sixty-five thousand inhabitants (165,000), according to the then last completed state or national census, the common council thereof shall, at any time after the passage of this act, and as often as they deem proper, have power and authority by a three-fourths vote of all the members thereof to fix and regulate the salaries and compensation of and for any and all of the officers, deputies, assistants, clerks, and employes of such city, or any board or department thereof, as hereinafter specified, without regard to how the same have heretofore been fixed or established.

Cities over 100,000 and under 165,000, may fix at will.

SEC. 2. In the fixing and regulation of such salaries or compensation the common council of any such city shall have no power or authority to fix, provide for, or allow, directly or indirectly, any greater sum as salary or compensation for any officer, deputy, assistant, clerk or employe of any such city (except mayor or comptroller during the term for which they were elected) than is now paid for such purpose, but may fix, allow, or provide for the reduction of such salaries or compensation (except those of mayor and comptroller and judges of the municipal court and clerk of the municipal court during the term for which they were elected) below the sum or sums hereinafter provided for, such officers, deputies, clerks, assistants or employes, and until so fixed, no greater salary or compensation shall be paid to any such officer, deputy, assistant, clerk or employe hereinafter mentioned, than is hereinafter specified, after the date when this act shall take effect. *Provided*, however,

Shall not raise present schedule.

that nothing herein contained shall abrogate the provisions of any general law for the government of cities.

List of salaries.

SEC. 3. For the faithful discharge of the duties of their respective offices the following-named officers in any and all such cities shall receive as salary or compensation a sum not in excess of the amounts hereinafter specified, the mayor, three thousand dollars ($3,000) per annum; the mayor's private secretary, twelve hundred dollars ($1,200) per annum; the treasurer, four thousand dollars ($4,000) per annum; the comptroller, four thousand dollars ($4,000) per annum; the city clerk, four thousand dollars ($4,000) per annum; the corporation attorney, four thousand dollars ($4,000) per annum; the city engineer, four thousand dollars ($4,000) per annum; the president of the board of water commissioners, one thousand dollars ($1,000) per annum; the secretary of the board of water commissioners, two thousand five hundred dollars ($2,500) per annum; the superintendent of the water department, eighteen hundred dollars ($1,800) per annum; the commissioner of health, or health officer, twenty-four hundred dollars ($2,400) per annum; the building inspector, eighteen hundred dollars ($1,800) per annum; the chief engineer of the fire department, twenty-five hundred dollars ($2,500) per annum; the first-assistant engineer of the fire department, eighteen hundred dollars ($1,800) per annum; the second assistant engineer of the fire department, sixteen hundred dollars ($1,600) per annum; the chief of police, twenty-five hundred dollars ($2,500) per annum; the judge or judges of the municipal court, each three thousand dollars ($3,000) per annum; the clerk of the municipal court, eighteen hundred dollars ($1,800) per annum; the superintendent of the workhouse, twenty-five hundred dollars ($2,500) per annum; the commissioner of public works, three thousand dollars ($3,000 per annum.

Reducing number of employes

SEC. 4. The number of deputies, assistants, clerks, or other employes in each and all of the offices hereinbefore mentioned, or any of the boards or departments of such city, may, at any time be reduced by the common council of such city, but may not be increased except by the aforesaid vote thereof.

All fees to be paid to city treasurer.

SEC. 5. All fees or charges received by any of the said officers as provided by law, shall be paid into the treasury of such city on the first secular day of each and every month, and it is hereby made the duty of the treasurer to collect the same.

Limitation of this act.

SEC. 6. Nothing herein contained shall be held to relate to any officer or employe whose appointment

and control is vested jointly in such city and the county wherein the same is situated, or in judges of the district court or appointees thereof.

Present incumbents are left in peace.

SEC. 7. That any and all acts and parts of acts, whether general or special, and whether or not by the terms thereof such acts provide that any act amending or repealing the same shall make special reference to the act amended or appealed, in so far as the same are inconsistent with the provisions of this act, be and the same are hereby repealed. *Provided*, however, nothing contained in this act shall affect or change in any manner whatsoever the salary, fees perquisites or other compensation of any of the officers of said cities heretofore mentioned during the term of said respective officers, nor shall the provisions of this act apply to any of said officers until after the expiration of their respective terms of office; nor shall the salary of any such officer, deputy, assistant or clerk now holding office, and whose salary is fixed by law be decreased during the time for which such officer, deputy, assistant or clerk was elected or appointed, nor shall any of the provisions of this act apply to any of the present incumbents of any such offices.

Growing in and out of this act.

SEC. 8. Whenever, according to their last state or national census the population of any city of this state which now has a population of less than one hundred thousand, shall acquire not less than that number, such city shall at once become subject to the provisions of this act, and whenever, according to such census the population of any city shall exceed one hundred and sixty-five thousand (165,000) inhabitants, or fall under one hundred thousand inhabitants, the provisions of this act, at the expiration of ninety days from the final filing of the enumeration of such city shall no longer apply thereto.

SEC. 9. This act shall take effect and be in force from and after the first day of July, eighteen hundred and ninety-five (1895).

Approved April 25th 1895.

S. F. No. 527.

CHAPTER 243.

Boards of park commissioners may establish parks.

An act to regulate and define the powers and authority of boards of park commissioners of cities in the state of Minnesota.

Be it enacted by the Legislature of the state of Minnesota:

Superintending

SECTION 1. The board of park commissioners of each of the cities in this state shall have authority to devise, plan, and establish a system of public parks and parkways, and from time to time to alter and extend the same, and to add thereto; to designate the lands and grounds be used, appropriated, and acquired for such purposes; to to take possession of the same, or any part thereof, upon obtaining title thereto, and to improve, govern, and maintain the same for such purposes.

SEC. 2. Such board of park commissioners shall have authority to direct, superintend, and regulate the planting, culture, and preservation of shade and ornamental trees, shrubbery, and turf in the streets, avenues, alleys, and public grounds of such city, and in such parts thereof as may be lawfully placed under the jurisdiction and control of such board of park commissioners.

No shade or ornamental trees, shrubbery, or turf growing in the streets, avenues, alleys, and public grounds of such city, shall be destroyed or removed except by leave in writing first obtained from the president of said board of park commissioners, the same to be duly countersigned and recorded by the secretary of said board.

Such board of park commissioners may, by proper ordinances, provide for the enforcement of this section, and for the preservation of such trees, shrubbery, and turf, and affix penalties for the violation of such ordinances, and the municipal court of said city shall have jurisdiction of all offenses against such ordinances.

Petition.

SEC. 3. Upon the filing in the office of such board of park commissioners of the petition of a majority in number of the owners of the real estate abutting upon any of the streets, avenues, alleys, or public grounds of such city, or any part thereof, asking for the improvement thereof by the planting of shade trees, such board of park commissioners is authorized to so improve the same, and to cause suitable shade trees to be planted along and upon the same, or any part thereof.

Assessing benefits.

SEC. 4. It shall be the duty of such board of park commissioners to make and preserve a full and accurate account of the cost of purchasing and planting such trees. The cost thereof, together with such additional

amount as shall be by said board of park commissioners, deemed necessary for the proper care of said trees for the period of three years after such planting, shall be assessed upon the pieces or parcels of land abutting upon such streets, avenues, alleys, or public grounds, and benefited by such improvement to the amount of the special benefit resulting therefrom.

Maximum.

SEC. 5. Such assessments shall be made, levied, and collected in the manner provided by law for other assessments for the improvement of parks and parkways,

Provided, however, that the sum so assessed shall not be greater than fifty (50) cents per front foot upon any piece or parcel of land abutting upon such improvement; and,

Provided further, that any trees that may die within three years after having been planted by said board of park commissioners shall be replaced by said board without additional assessment.

Public act.

SEC. 6. This act shall be a public act, and need not be pleaded or proved in any case.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 244.

S F. No. 657.

Parkways and boulevards.

An act granting additional powers to the boards of park commissioners of the cities of the state for the purpose of acquiring lands for parkways and boulevards.

Be it enacted by the Legislature of the state of Minnesota:

May acquire outside of city limits.

SECTION 1. That the board of park commissioners of each city of the state shall have the power and is hereby authorized to acquire in the manner provided by law, by gift, device, purchase or condemnation lands for parkways, or boulevards along the shores of any lake or stream lying partly or wholly without the limits of the city, but contiguous to or connecting with any lake lying wholly or partly within the limits of the city, on the shores of which a park or parkway has been or shall be acquired or designated to be acquired, as provided by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 464.

CHAPTER 245.

Payment of condemned property.

An act to provide for the payment of the value of property condemned and appropriated by municipal corporations, including the cost of such condemnation, out of the general funds of such corporation.

Be it enacted by the Legislature of the state of Minnesota:

May pay out of general fund.

SECTION 1. That any municipal corporation in the state of Minnesota which shall hereafter condemn and take private property for public use is hereby authorized and empower to pay to the person or persons entitled thereto, before the final appropriation of the same, the value thereof in whole or in part, including the cost and expense of condemning the same, out of the general funds or treasury of such municipal corporation unless an adequate special fund be provided therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

H. F. No. 147.

CHAPTER 246.

Condemnation.

An act to require the filing of notice in certain condemnation proceedings with the register of deeds.

Be it enacted by the Legislature of the state of Minnesota:

Filing notice with register of deeds.

SECTION 1. Whenever any municipal corporation, park board, board of public works or other corporation authorized by law for that purpose, shall take and condemn any lands for public use or improvement such municipal corporation, park board, board of public works or other corporation shall, within ten (10) days after the final confirmation of the condemnation proceedings with reference thereto, file with the register of deeds of the county where such lands are situate, a notice thereof, giving a description with reasonable certainty, of the land so taken, or giving the general course of such improvement, and describing with reasonable certainty the land affected thereby, with a statement of the improvement or use for which said land is so taken.

Notice under Title 1 Chap. 34 Gen. Stat. 1878.

SEC. 2. Whenever any of the corporations mentioned in title one (1) of chapter thirty-four (34) of the

statutes of one thousand eight hundred and seventy-eight (1878), as amended, desire to obtain the right of way over and across any lands needed for the construction of any railroad, or telegraph, or for sites and grounds for depots, shops and other buildings requisite for said business or contemplated by the provisions of said title one (1), such corporation shall at the time of filing its petition with the district court for the appointment of commissioners to determine the compensation to be paid to the owners of such land, or within ten (10) days thereafter, file or cause to be filed with the register of deeds of the county where said lands are situate, a notice describing with reasonable certainty and accuracy the lands and property to be taken or affected by such condemnation proceedings, and for what purpose or enterprise said lands are to be taken. In case said enterprise and said condemnation proceedings shall be abandoned, it shall be the duty of such corporation within ten (10) days thereafter to file or cause to be filed with the register of deeds a notice to that effect, giving a description with reasonable certainty of the lands so released and abandoned.

Informalities.

SEC. 3. No informality in the notice provided for by this act, or error or inaccuracy therein in the description of the said lands to be taken; or affected, or of the course of said improvement, shall in any way affect the validity or any of the condemnation proceedings.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

CHAPTER 247.

S. F. No. 328.

An act to authorize cities to annex certain territory in certain cases.

Annexing territory to cities.

Be it enacted by the Legislature of the state of Minnesota:

Annexing state lands.

SECTION 1. Whenever any state lands which were acquired and held for state institutions are not included in any incorporated city or village but which are immediately adjoining any city, and it is deemed desirable by a majority of the resident electors thereof that the city limits should be extended so as to include the said territory, or some part thereof, a petition signed by a majority of such resident electors as appears by the votes cast at the last preceding general election may

be presented to the city council of such city asking for the annexing of such territory or some designated part thereof, and said city council may by ordinance thereupon annex such territory to said city and shall therein designate to what ward or wards the said territory shall be annexed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 553.

CHAPTER 248.

Boundary line.

An act to define the boundary between the counties of St. Louis and Lake.

Whereas, it is represented to the Legislature that the boundary between the counties of St. Louis and Lake has no permanent location and that great inconvenience has resulted and is likely to result because of the indefiniteness thereof; therefore

Be it enacted by the Legislature of the state of Minnesota:

Between St. Louis and Lake counties.

SECTION 1. That the boundary line between the counties of St. Louis and Lake be and is hereby defined to be coincident with the line known as the True Meridian; the same being the line dividing range eleven (11) west from range twelve (12) west; and that this definition thereof shall be taken and accepted in all courts and places whatsoever as the true intent and meaning of that part of the act of the Legislature of the territory of Minnesota which ordains that the said boundary line shall begin at the mouth of Knife river and extend due north therefrom.

SEC. 2. This act shall be in force from and after its passage.

Approved April 9th, 1895.

CHAPTER 249.

Repealed 1897-Ch 277

H. F. No. 561.

Section corners

An act to permanently establish and perpetuate the section and quarter section corners of the United States government survey.

Be it enacted by the Legislature of the state of Minnesota:

County surveyor to establish and record.

SECTION 1. Whenever a majority of the resident land owners, in any government section in this state wish the corners of the said section permanently marked, and the sub-divisional lines definitely located and the notes of the same duly recorded in the record books of the surveyor's office of the county; they shall, after giving at least ten (10) days' notice, to each of the resident land owners of such intention notify the county surveyor that they wish to have the section subdivided; the corners permanently marked and the notes of the same recorded.

Same.

SEC. 2. The surveyor shall at his earliest convenience set a time when he will make such survey, and at the appointed time he, or one of his deputies shall appear and proceed to make such survey, according to the laws now made and provided for the subdivision of sections, *provided* that all the section corners of said section can be proven.

Lost corners.

SEC. 3. But should any section corner have become obliterated, and its original location is a matter of dispute so that the same cannot be restored by evidence the surveyor shall proceed to restore said corner by proportional measurement from the nearest known corners, north and south and east and west, in proportion to the distances given in the government field notes.

Provided, however that no line of any highway already existing or laid out or of any lands bordering thereon shall be affected by any such location or relocation.

How marked—iron monuments.

SEC. 4. The surveyor shall place at each of the corners of said section an iron monument two and a half (2½) inches square and thirty (30) inches long, and at each of the one-fourth (¼) section corners, an iron monument one and a half (1½) by two and a half (2½) inches square and thirty (30) inches long or stone monuments six (6) inches square and thirty (30) inches long and it shall be the duty of the boards of county commissioners of the several counties of this state to furnish such iron monuments to the several county surveyors as fast as such permanent surveys are made.

Record—what to contain.

SEC. 5. The surveyor shall record in the county surveyor's record books the evidence taken to restore or prove an obscure corner. The distances between all government corners on the boundary lines of the section the length of both the north and south and the east and west quarter section lines, the angles at each corner and at the center of said section, together with an accurate plat of the section on a scale of not less than eight (8) inches per one (1) mile, together with the names of the assistants.

Compensation.

SEC. 6. The surveyor shall receive four (4) dollars per day for each day spent in making said survey and recording the field notes and plat, including the time necessarily spent in going to and returning from the field. The said surveyor shall also be paid for two chainmen and one axman at the rate of two (2) dollars per day each.

Cost—how paid

SEC. 7. The cost of the survey shall be divided and paid in the following manner: The surveyor shall keep a careful account of the work done on the several parts of the section, and of the help furnished, and at the conclusion of the work apportion the costs in as equitable a manner as possible, for the relocation of a section corner to the four (4) sections adjacent and for the subdivision of the section to each subdivision according to the costs and the benefits received.

Same.

SEC. 8. The surveyor shall file with the county auditor a certificate of the costs of making such survey and the apportionment to each section and sub-divisional parts of the section, who shall assess the same against the property as other taxes, and a bill for the whole amount due the surveyor shall be audited and paid by the commissioners out of the general funds of the county.

Prima facie evidence.

SEC. 9. The record and plat of such survey after being properly certified to by the surveyor shall be admitted as prima facie evidence of the location of such corners, and the lengths of such lines in the courts of this state.

Penalty for defacing.

SEC. 10. It shall be unlawful for any person to remove, destroy or deface said landmarks and upon conviction of the same shall be deemed guilty of a misdemeanor and be punished by a fine and imprisonment, or both, in the discretion of the court, not more than one hundred (100) and not less than twenty-five (25) dollars, and not more than thirty (30) days' imprisonment in the county jail of the county.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 23rd, 1895.

CHAPTER 250.

S. F. No. 25.

An act entitled "An act to provide for the establishing of section or property lines in any township in the state at the expense of the property affected."

Section corners

Be it enacted by the Legislature of the state of Minnesota:

County commissioners to cause survey to be made.—petition.

SECTION 1. That the county commissioners of any county of the state be and the same are hereby authorized to cause to be surveyed, located and staked out any or all section or property lines pertaining to any section or group of sections, or any township in their respective counties upon the petition for such survey by the town supervisors of the township in which the lands to be so surveyed are located, or upon the petition of at least two taxpayers in each section to be thus surveyed.

Hearing—notice.

SEC. 2. Upon the filing with the county auditor of the petition mentioned in the foregoing section the county commissioners shall at their next regular meeting fix a time and place, such time to be at least one month later than the date of such meeting, when such petition will be considered; and shall cause to be published in the next issue of the official paper of their respective counties notice of such date of hearing fully describing in such notice the essence of such petition, the land to be affected by such survey, and the names of the owners thereof as they appear on the latest tax duplicate.

Decision.

SEC. 3. Upon the date fixed for such hearing the petition shall be either granted or refused or at the date of such hearing postponed to a future fixed time.

To cause surveys to be made

SEC. 4. Upon the granting of such petition the county commissioners shall appoint a surveyor, who may or may not be named by the petitioners as the said commissioners may deem best; and shall cause such surveyor to enter into a contract for the performance of the work, secured by such satisfactory bond as may be required by such commissioners and shall fix a date for the commencing of said survey.

Notice of said appointment and of said date for the beginning of the survey shall be published in the next following issue of the official paper of the proper county and upon the date fixed for the same by the commissioners, the surveyor appointed as herein provided shall begin the work of making such survey and shall continue the same without unnecessary delay until completed.

Restoring lost corners.

SEC. 5. The said surveyor shall re-establish all lost government corners, according to the rules of the general land office of the United States, in its printed circular entitled "Restoration of Lost and Obliterated Corners" dated March thirteenth, one thousand eight hundred and eighty-three, and approved the same date by the secretary of the interior.

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And from such corners so re-established, or from the original government corners where the same have not been lost, shall sub-divide, as set forth in the petition, all sections therein included, according to the rules of said general land office for the subdivision of sections, dated June second, eighteen hundred and eighty-seven, approved by the acting secretary of the interior on the same date, and republished December ninth, eighteen hundred and ninety, (said rules being in accord with the laws of Minnesota but more specific in language).

He shall locate all property lines required by the petition according to all existing authentic field notes, plats and other evidence and by the original deeds if the same are furnished him, otherwise by the descriptions given in the latest tax duplicate.

Keeping notes.

He shall keep complete and accurate field notes, of all the work, giving dates, whether, names of assistants, lengths and relative direction of all lines; of the full topography; of all evidence by which corners are located and full data by which the entire survey can be relocated in the future.

Distances shall be given in feet and decimals thereof.

Substantial lime or other, stone monuments shall be planted at or near all government corners, re-established, but not in traveled roads, and the names of at least three resident witnesses must be given for each monument in such notes.

He shall make a plat on strong linen paper showing all of the above mentioned information practicable to be set forth in a plat, and shall show thereon all farms or tracts of land which are benefited or affected by such survey, together with the owner's names and the acreage of each separate tract.

Approval of plat.

SEC. 6. The plat so prepared shall be presented to the board of county commissioners for approval, and when so approved, shall have inscribed thereon, a certificate signed by the chairman of such board setting forth such approval and the appointment of the surveyor under this act by such board, and shall further have inscribed thereon the sworn affidavit of the surveyor making the same, as to the correctness and accuracy of the survey and of the plat;

Recording plat and field notes.

SEC. 7. The plat thus prepared and inscribed shall then, together with the field notes of the survey it represents, be filed in the office of the register of deeds in and for the county wherein the lands so surveyed are situate, where they shall be received by the register of deeds and entered in the reception book upon the payment of a fee of one dollar ($1.00), which fee is to be paid by the surveyor making the survey, and shall thereupon become prima facie evidence of the correctness and accuracy of such survey, and of the lines thereby established.

Provided, however, that nothing in this act shall be construed to apply in cases where owners have fixed a line by agreement, or where any highway has been laid out along the line of any such section or subdivision thereof, so as to change the lines of such highway.

Cost—how paid

SEC. 8. The surveyor shall thereupon make and submit to the board of county commissioners an assessment upon the lands so surveyed to cover the entire cost of such survey, which said assessment shall be determined according to the following rule:

Rule—Said assessment upon the individual tracts of land included in the petition and survey shall be made proportional to the area of said tracts multiplied by the ratio of the length of their boundaries surveyed to the length of their total boundaries, the boundaries surveyed not to include boundaries which were accurately and definitely marked before the commencing of the survey under this act.

Said assessment shall not exceed four cents (4c) per acre, excepting for tracts containing less than ten (10) acres, and shall not exceed five dollars ($5.00) for any one farm.

Hearing on judgment roll—objections—corrections.

SEC. 9. Upon the receipt of the assessment roll thus prepared the county commissioners shall cause the same to be published once in the official paper of the county, said publication to contain a description, the supposed owner's name, the amount assessed against each separate tract, and a notice of the time and place when and where the board will meet to correct and confirm said assessment, and upon the date thus fixed the board shall, after making proper corrections and adjustments, confirm said assessment.

Collected as a tax.

SEC. 10. The county auditor, upon the confirmation of said assessment by the board of county commissioners as provided by the preceding section, shall enter upon the tax duplicate for the current year against the respective tracts of land so assessed the amount of said assessment as shown by said assessment roll, which as-

sessment shall then be collected and payment thereof enforced in the same manner as and with the regular taxes,

Provided, that if all the owners of the lands affected shall voluntarily pay into the county treasury the said assessment then the proceedings required by sections 9 and 10 of this act shall not be had.

Report of surveyor.

SEC. 11. Upon the completion of the work and the filing of the plats and field notes and of the assessment roll as provided by this act, the surveyor shall submit to the board of county commissioners his report and a bill for making such survey, which bill shall cover all expenditures in connection with such survey and shall not exceed the total amount of the assessment therefor, and said bill, having been approved and allowed by the board of county commissioners as reasonable and just, shall be paid out of the general funds of the proper county as in the manner provided for the payment of other similar claims.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

S. F. No. 9.

CHAPTER 251.

Indebtedness of municipalities annexed.

An act providing for the adjustment of indebtedness of municipalities and quasi-municipalities partially annexed to cities in this state.

Be it enacted by the Legislature of the state of Minnesota:

City to which annexation made shall pay.

SECTION 1. In all cases heretofore or hereafter arising in this state in which a part of any township or a part of any village, or in which a part of any other municipality or quasi-municipality shall have been or shall be annexed to any city in this state by legislative act or otherwise and in which no provision shall have been or shall be made for the payment or adjustment of the indebtedness of the municipality or quasi-municipality from which such annexed territory is taken, the city to which such annexation is made shall assume and pay such a proportion of the bonded or other indebtedness of such dissevered or divided municipality or quasi-municipality as shall be agreed upon between the municipalities affected by such annexation or as shall be determined by the tribunal authorized to determine the same as hereinafter provided.

SEC. 2. In case of the annexation in the future of any territory to a city as aforesaid, the common council or other governing body of the city to which such annexation is made and the board of supervisors or other governing body of the township or municipality or quasi-municipality from which such annexed territory is taken shall within thirty (30) days from the time when such annexation actually takes place proceed to adjust the indebtedness of such dissevered territory and to determine the proportion thereof that each of said municipalities or districts of territory affected shall bear and in so doing they shall take into account the relative values of the territories annexed and that remaining in the dissevered municipality or quasi-municipality and they shall also take into consideration the assets of the municipality or quasi-municipality from which such territory is taken and may provide that such assets may be divided between the municipalities or quasi-municipalities interested in such proportion as shall be agreed upon or that the one or the other of such municipalities or quasi-municipalities shall receive all of such assets. How adjusted.

SEC. 3. Within sixty (60) days after the passage and approval of this act the common council or other governing body of any city in this state to which a part of the territory of any township, municipality or quasi-municipality has heretofore been annexed and which is subject to the provisions of this act and the board of supervisors or other governing body of the township, municipality or quasi-municipality from which such annexed territory has been taken shall proceed to adjust and apportion the indebtedness of such dissevered township, municipality or quasi-municipality which existed at the time of such annexation and to determine the amount and proportion thereof that shall be assumed by each of the municipalities or quasi-municipalities interested and in so doing they shall take into consideration the amount and relative values of the territory annexed and that remaining and also the assets of the municipality or quasi-municipality from which such territory is taken and may provide that such assets may be divided between the municipalities or quasi-municipalities interested in such proportion as shall be agreed upon or that the one or the other of such municipalities or quasi-municipalities may receive all such assets. How adjusted.

SEC. 4. In case the authorities of any city to which territory has been heretofore or shall be hereafter annexed as hereinbefore provided and the authorities of the municipality or quasi-municipality from which the When arbitrated.

annexed territory is taken are unable to agree upon the adjustment of the indebtedness of such dissevered municipality or quasi-municipality, then said authorities may refer the matter of adjusting such indebtedness to a board of arbitration to be composed of five (5) persons two (2) to be chosen by each of the parties interested and the fifth (5) to be appointed by the four (4) so chosen and the findings of a majority of such board of arbitration shall be as binding upon each of the municipalities or quasi-municipalities interested as the agreement of the authorities of such municipalities or quasi-municipalities themselves would have been.

Settlement to be filed with county auditor

SEC. 5. In case of the settlement by agreement of any indebtedness of any dissevered municipality or quasi-municipality, as provided in sections two (2) and three (3) of this act, or in case of the arbitration of any such indebtedness as provided for in section four (4) of this act, such settlement or arbitration shall be reduced to writing specifying the terms and conditions thereof and shall be filed with the county auditor of the county in which such municipalities or quasi-municipalities are situated, and thereupon each of such municipalities or quasi-municipalities shall be responsible for the proportion of such indebtedness assumed or apportioned to it.

How acted upon where authorities fail to agree or arbitrate.

SEC. 6. In case the authorities of any city to which territory has been or shall be annexed as hereinbefore provided and the authorities of the municipality or quasi-municipality from which such annexed territory is taken fail to act in the matter of adjustment of the indebtedness of such dissevered municipality or quasi-municipality as herein provided or if for any reason such adjustment of said indebtedness cannot be made by said authorities or by the board of arbitration provided for in section four (4) hereof and in all cases where no adjustment of such indebtedness shall have been effected at the end of sixty (60) days from the time herein limited for the authorities of such municipalities or quasi-municipalities to proceed to the adjustment of such indebtedness, then any person or persons interested either as creditors or taxpayers of said dissevered municipality or quasi-municipality may petition the district court of the county in which such municipalities or quasi-municipalities are situated setting forth the facts and such district court shall thereupon take cognizance of the matter of the adjustment of the indebtedness of such dissevered municipality or quasi-municipality and for that purpose shall cite the governing body of each municipality or quasi-municipality interested and the creditors of such divided municipal-

ity or quasi-municipality to appear before it at a time and place to be designated by said court and thereupon said court shall proceed to hear and determine the matter of the adjustment of such indebtedness and upon a final determination thereof shall make its findings of the amount and proportion of such indebtedness which each of such municipalities or quasi-municipalities shall pay and thereupon each of said municipalties or quasi-municipalities shall be responsible for the amount of such indebtedness adjudged for it to pay.

Limitation of this act.

SEC. 7. The provisions of this act shall not be construed to apply to the indebtedness of any school district nor to the indebtedness of any municipality or quasi-municipality for which special provision has been or shall be made for its adjustment nor to any case in which the indebtedness of any dissevered municipality or quasi-municipality is barred by the statute of limitations at the time of the passage of this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 19th, 1895.

CHAPTER 252.

H. F. No. 673.

Township dissolution.

An act providing that any township composed of territory co-extensive and identical with the territory composing any village may be dissolved.

Be it enacted by the Legislature of the state of Minnesota:

By vote—when village absorbs the territory.

SECTION 1. Any township in this state composed of territory co-extensive and identical with the territory composing any village may be dissolved by a majority vote of the legal voters residing in the territory forming such township and village cast at any election held to determine such question, as hereinafter provided.

Election—notice—question submitted.

SEC. 2. The legal voters residing in such territory shall vote upon and determine the question whether such township shall be dissolved, and it shall be the duty of the recorder of any such village, upon receiving a petition of ten (10) or more legal voters of such township and village, to give at least ten (10) days' notice that the question of dissolving such township will be submitted to the legal voters thereof at the next ensuing annual village election. Five (5) copies of such notice shall be posted in as many public places in such territory, and a copy of such notice shall also be served upon the town clerk of such township at least ten (10)

days before such election. Proof of the posting and service of such notices may be made by the affidavit of the person or persons posting and serving the same and shall be filed in the office of the recorder of such village, and shall be prima facia evidence of the fact of such posting and serving of such notices. The question shall be determined by ballots containing the words "in favor of dissolution," or "against dissolution," as the case may be. The votes upon such question shall be taken, canvassed, returned and announced in the same manner prescribed by law for taking, canvassing and announcing the votes for the election of village officers.

Special election

SEC. 3. A special village election may be held for the purpose of submitting such question to the legal voters of such territory. Whenever a petition requesting such special election for such purpose shall be filed in the office of the recorder of any such village, signed by at least twenty-five (25) per cent of the legal voters residing in such territory, as shown by the vote cast at the last annual village election preceding the filing of such petition, such recorder shall thereupon call a special election of the legal voters of such territory and shall post and serve notices thereof in like manner as provided in section two (2). Such special election shall be held not more than thirty (30) days nor less than twenty (20) days from the time of posting and serving such notices, and such election shall be held and conducted and the returns thereof posted, returned and announced in the manner provided in section two (2) hereof.

Records.

SEC. 4. In case the returns show a majority of the votes cast at any such election on such question, shall be in favor of dissolution, said township shall be thereupon dissolved, and all of the property, moneys and things in action of said township shall be and become the property of such village, and, together with the records of such township, shall be delivered to the recorder of such village, who shall dispose of the same as directed by the village council of such village, and thereafter all taxes due or to become due to said township shall be paid to such village and thereupon such village shall be chargeable and liable for all of the just debts and liabilities of such township in the same manner and to the same extent as such township was theretofore liable.

Duties of village officers.

SEC. 5. The village council of any such village shall, in case of the dissolution of any such township, have power to elect an assessor, who shall have the power and perform the duties required of assessors elected by

townships under the general statutes, and who shall serve as such until the first meeting of the village council of such village occurring after the next annual election of village officers for such village, at which time such village council shall elect an assessor for the term of two (2) years, and thereafter the term of office of such assessor shall be two (2) years and until his successor is elected and qualified. Compensation of such assessor shall be fixed by the village council.

Same. SEC. 6. The village council of any such village, after the dissolution of any such township, shall have, in addition to their other powers and duties, the powers and duties had and enjoyed by township supervisors, and the village recorder, president of the village council and assessor of such village shall constitute a board of equalization which shall meet at the time prescribed for meeting of town boards of review, and shall have the powers and duties given by general law to such town boards of review, and such village shall thereupon be and constitute one (1) election district for all purposes under the general laws of this state.

Negative vote. SEC. 7. In case the returns show a majority of the votes cast at any such election were not cast in favor of dissolution, such question may not be voted upon within one (1) year from the time of such election.

Taxes due. SEC. 8. When the result of any such election shall be in favor of dissolution of any such township, the county auditor shall make report thereof to the secretary of state and shall thereafter pay all taxes due or to become due to such township over to such village.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

CHAPTER 253.

S. F. No. 136.

Town bonds. *An act to authorize the organized towns of the state to issue bonds for the building of a fence along or near the boundary line of townships for the purpose of preventing the spreading of a weed commonly known as Russian thistle.*

Be it enacted by the Legislature of the state of Minnesota:

Bonds to fence out Russian thistles. SECTION 1. Every organized township in this state is hereby authorized to vote and issue the bonds of such township at any annual, or special town meeting, called for that purpose, in such an amount as a majority of

the electors thereof may deem necessary, to build and maintain a fence at or near the township line for the purpose of preventing the spreading of Russian thistles over the lands of the township.

May build fence

SEC. 2. Whenever the electors of any township, shall provide the funds by the issuing of such bonds to build a fence in accordance with the provisions of this act, the persons authorized to build such fence, under direction of the supervisors, shall have lawful right of entry upon any lands, for the purpose of erecting such fence, along or near the boundary of such township.

When built.

SEC. 3. A fence may be built within the bounds of any public highway whenever it may be necessary, in order to carry out the provisions of sections one and two of this act; *provided*, such fence does not obstruct or interfere with the travel thereon.

SEC. 4. This act shall take effect from and after its passage and approval.

Approved March 5th, 1895.

H. F No. 675.

CHAPTER 254.

Town orders.

An act to legalize certain township orders heretofore issued under the authority of a vote of the majority of the legal voters of any township of this state.

Be it enacted by the Legislature of the state of Minnesota:

Healing act.

SECTION 1. That in all cases where any township of the state of Minnesota shall have heretofore issued any of its township orders, under the authority of a vote of the majority of the legal electors of such township at an annual town meeting of such town, such township orders so issued are hereby in all things legalized and made binding and valid obligations of the township which issued the same, according to the terms in such town orders detailed. *Provided* that nothing in this act shall apply to any town orders issued before the passage of this act, the validity of which is in question in any action now pending in any court in this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th 1895.

CHAPTER 255.

H. F. No. 704.

An act providing that town supervisors may disignate depositories for town moneys and requiring the deposit of town moneys in such depositories and exempting town treasurers from liability for such deposits.

Depositories for town funds.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The supervisors of the several towns, in this state may in their discretion, select and designate as a depository or depositories for town moneys, any national, state or private bank or banks. Such depositories shall be required to execute and deliver a good and sufficient bond, with two (2) or more sureties in at least double the amount of the sums deposited, such bond to be executed to and in favor of the board of supervisors of such town and for the use of the town. Such bond to be approved by the said board of supervisors and the town clerk of such town or a majority of them, and such supervisors may require all or any part of the town moneys, as they may direct from time to time, to be deposited by the town treasurer in the depository or depositories designated as aforesaid.

Supervisors to designate.

Bond.

Such bank or banks shall be designated by such supervisors in such manner as they may deem best.

Such supervisors shall also have power to make such terms and conditions as to deposits as to them shall seem for the best interests of the town;

Provided, that the length of time of such deposits shall not exceed the term of office of such supervisors and that new depositories may be selected from time to time as the supervisors shall decide.

And *provided further*, that all such designations of depositories shall be in writing setting forth all the terms and conditions of the deposits to be made in pursuance thereof and signed by at least two (2) supervisors of such town and shall be filed in the office of the town clerk of such town.

That thereupon such bank shall become a legal depository for town moneys, and thereafter the town treasurer shall deposit such town moneys therein as he shall be required from time to time to deposit by such supervisors.

SEC. 2. The town treasurer and the sureties on his bond shall be exempt from liability to the town by reason of the loss of any funds of such town deposited in any such bank from the failure, bankruptcy, or other

Town treasurer not liable.

acts of such bank to the extent and amount of such funds in such bank at the time of such failure or bankruptcy.

Interest.

SEC. 3. All interest on moneys deposited, as hereinbefore provided, shall be and become the property of the town.

SEC. 4. No additional compensation or fees shall be paid any of the town officers by reason of any of the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

S. F. No. 400.

CHAPTER 256.

Villages.

An act to re-incorporate villages of 2,000 inhabitants and over.

Be it enacted by the Legislature of the state of Minnesota:

Reincorporation.

SECTION. 1. That any incorporated village in this state, whether under general or special laws, having a population of 2,000 inhabitants or over, may reincorporate under the provisions of chapter 146 of the General Laws of 1891 as amended, as hereinafter provided; and when so reincorporated shall possess all the rights powers and privileges and in all things be subject to and governed by the provisions of said chapter as amended, except as herein provided; and shall be subject to all the duties and obligations as in said chapter provided for the government of villages of over 3,000 inhabitants, and shall in all things become a village incorporated under and by virtue of the provisions of said chapter as herein provided.

To be submitted to the people.

SEC. 2. The trustees or council of any such village whether existing under the general or special laws of this state, may, by resolution submit at a special village election, the question whether such village will so continue or will become reincorporated as herein provided under chapter 146 General Laws of 1891, and acts amendatory thereof. They shall give notice thereof as required by the laws under which they are then incorporated, for special village elections. The ballots shall be written or printed "For reincorporation under chapter 146 General Laws 1891, as amended" and "Against reincorporation under chapter 146 General Laws 1891, as amended," and the election shall be conducted and the result canvassed, as provided for annual

village elections by such village. If a majority of the votes cast be for reincorporation, the trustees of such village shall make a certificate setting forth the fact of such submission and the vote thereon in detail and the result thereof and cause the same to be recorded in the office of the register of deeds of the county wherein such village is situated; and thereupon the act of incorporation of such village shall be deemed surrendered and such village shall become incorporated as herein provided under chapter 146 of the General Laws of 1891, as amended; but shall until the next general election provided for in this act be governed by the officers then in office.

Ward divisions

SEC. 3. The territory comprised in every such village shall be a separate election district for all elections under the laws of this state, and shall be divided into two (2) wards, as equal in population as may be, and the same shall by resolution be so divided into wards by the village council of said village within ten (10) days after reincorporating under the provisions of this act, and before the holding of the first general election herein provided for.

Officers.

SEC. 4. The elective officers of any such village shall be a president, recorder, treasurer, assessor, and two trustees from each ward and a municipal judge, who shall be possessed of all the rights powers and privileges and subject to all the duties and liabilities provided for each of said officers, in said chapter 146 of the general laws of 1891, as amended respectively, except as herein provided.

Election.

SEC. 5. The first general election of any such village shall be held within twenty (20) days after the reincorporation thereof. Such election shall be conducted, the vote canvassed and the notice thereof given as provided in said chapter 146 of the laws of 1891, for the first general election, thereunder.

Municipal judge.

SEC. 6. The municipal judge of said village shall receive a salary to be fixed and determined by the village council, which shall be not less than seven hundred dollars nor more than fifteen hundred dollars per year and the same shall be paid out of the village treasury in equal monthly installments.

See Chap 257 1894

Said municipal judge shall be ex-officio clerk of the municipal court of said village and shall perform all the duties of the clerk of such municipal court as provided in said chapter 146, in the place and stead of the village recorder, as therein provided, and the village recorder shall receive no compensation for his services except as is allowed by the village council.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 580.

CHAPTER 257.

Villages.
95 c 257
94-M - 128
102-NW 216

An act to authorize villages in this state to purchase or rent fire apparatus, and appliances for protection from fire, and issue negotiable certificates of indebtedness therefor.

Be it enacted by the Legislature of the state of Minnesota:

Certificates of indebtedness for fire apparatus.

SECTION 1. Whenever the council or trustees of any village of this state are of the opinion that the public interests of said village require better protection from fire, said council or trustees shall have the power to purchase or rent such fire apparatus and appliances for the protection from fire as said council or trustees may deem necessary for said village, not exceeding, however, in cost, the maximum amount named in said petition and may issue the negotiable certificates of indebtedness of said village in whole or in part therefor, drawing interest at the rate not to exceed six (6) per cent per annum, payable semi-annually.

Provided, however, that the amount of certificates so issued shall not exceed, in any one case three thousand (3,000) dollars, and the amount so issued shall not be in excess of five (5) per cent of the assessed valuation, as shown by the latest assessment roll, of the real and personal property of the village issuing same, including all the other outstanding indebtedness of said village.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 424.

CHAPTER 258.

Villages

An act legalizing and confirming village ordinances in certain cases.

Be it enacted by the Legislature of the state of Minnesota:

Healing water ordinances.

SECTION 1. That in all cases where any village incorporated under laws of this state, has heretofore erected a system of water works, and has heretofore

adopted ordinances, rules by-laws or regulations and has supplied its inhabitants under such ordinances, rules, by-laws or regulations water and is desirous of continuing to furnish its inhabitants with water through its system of water works under and by its ordinances, rules, by-laws or regulations, the said ordinances, rules, by-laws or regulations are legalized and made valid hereby.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 259.

95 c 259
86-M - 121
90-NW 161

S. F. No. 107.

An act to regulate the sale of intoxicating liquors.

Intoxicating liquors.

95 c 259
98-M - 480
108-NW 3

Be it enacted by the Legislature of the state of Minnesota:

Local option in villages and towns.

SECTION 1. Whenever the people of any village or municipal township shall have voted against the issuance of license for the sale of intoxicating liquors therein, it shall thereafter be unlawful for any person or corporation to sell, barter or give away the same therein at retail or wholesale in any quantity whatever; *provided* that nothing herein contained shall in any manner affect the provisions of chapter eight (8) of the general laws of one thousand eight hundred and eighty-seven. *Provided* that nothing in this act shall be construed to prevent or forbid any manufacturer of intoxicating liquor in any village or township from selling his product to be consumed outside of said village or township.

Penalty.

SEC. 2. Whoever violates the provisions of section one (1) shall be guilty of a misdemeanor, and shall upon conviction thereof in any court having jurisdiction of the same, be punished by a fine of not less than fifty (50) dollars nor more than one hundred (100) dollars, together with the costs of prosecution, and by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1895.

H. F. No. 378.

CHAPTER 260.

Villages—separation from towns.

An act to amend an act entitled "An act to allow villages to separate themselves from the township government of the town in which they are located," approved April first (1st), eighteen hundred and ninety-three (1893), and also to amend the title thereof.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the title to an act entitled "An act to allow villages to separate themselves from the township government of the town in which they are located," be and the same is hereby amended so as to read as follows: "An act to provide for the separation of villages from townships for all purposes."

SEC. 2. That section one (1) of an act entitled "An act to allow villages to separate themselves from the township government of the town in which they are located," approved April first (1st) eighteen hundred and ninety-three (1893) be and the same is hereby amended so as to read as follows:

Amending former act of 1893.

Section one (1). The electors of any township in this state may at any annual or special township meeting held therein, determine as hereinafter provided for the complete separation of any village or borough situate therein from the township.

Whenever it is desired to submit such a proposition to the voters of a township notice thereof signed by at least fifty (50) electors of the township, whether residing within or without the village or borough to be separated, shall be filed with the town clerk. When any such notice is filed with the town clerk not less than twenty (20) days before the annual town meeting, he shall give notice thereof in the notice of such annual meeting; but where such notice is filed more than six (6) months before the annual town meeting, it shall be the duty of the town clerk to give notice of a special town meeting for the purpose of voting upon such proposition in the manner provided for calling special town meetings. If a majority of the votes cast at any such election upon such proposition be in favor thereof, the said village or borough from and after the determination of such result shall be separated for all purposes from the township; *provided*, that it shall be lawful for any township in which any such village or borough so to be separated is situated to hold its town meeting and election within the limits of such village or borough at a place to be designated therefor; but

no resident of such village or borough shall after such separation have the right to vote at any town meeting or election.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

CHAPTER 261.

H. F. No. 3.

An act authorizing incorporated villages to change their name and providing for such change.

Village.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. All incorporated villages of this state, whether incorporated under general or special laws, be and they are hereby authorized to change their respective corporate names in the manner herein provided.

May change name.

SEC. 2. When the inhabitants of any village desire to change its corporate name, a petition shall be presented to the village council therefor, which petition shall be signed by a number of the legal voters equal to a majority of all the votes cast at the preceding village election, asking that the question of changing the name thereof be submitted to a vote of the electors, such petition shall state the name which it is proposed to adopt, and be verified as to the qualifications of the petitioners.

May decide at an election.

SEC. 3. On receipt of such petition, the village council shall, by resolution, order that the question of changing the name of such incorporated village be submitted to a vote of the village electors, at the ensuing village election, and shall also state the time and place or places of holding the election and prescribe the form of the ballots to be used in voting for and against the same, and the name which is proposed to adopt; which resolution shall be entered upon the village records and shall also be published in a newspaper in said village at least ten days prior to the election, if there be one, if not, then posted in three public places for such time.

Petition.

SEC. 4. The ballots cast upon such proposition shall be duly canvassed by the judges of such election, and the result thereof certified to by them and returned to, and filed in the office of the village recorder, and if it shall appear from such canvass and certificate or certificates that such proposed change of name had been ratified by the electors, then, and in that case, the presi-

Ballots.

dent of such village council and the village recorder shall make a further certificate under their official hand and seal, certifying therein that such change had been duly petitioned for, that the same had been submitted to the electors of such village, the date of such election, the form of the ballots used, the proposed name and the number of ballots for and against such proposition, which certificate shall be recorded in the office of the register of deeds of the county in which said village is located.

Record.

SEC. 5. From and after the recording of such certificate in the office of the register of deeds aforesaid, such village shall be designated and known by the adopted name, and all rights, benefits and privilages shall enure to said village under the adopted name, and all debts, suits, obligations and liabilities against such village shall have the same force and effect as before the change.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 8th, 1895.

H. F. No. 129.

CHAPTER 262.

Sprinkling.

An act authorizing the village council of incorporated villages in this state to provide for the sprinkling of streets, alleys, avenues, parks, or other public grounds, and to assess the expense of such sprinkling upon the real property abutting upon such streets.

Be it enacted by the Legislature of the state of Minnesota:

Villages may sprinkle streets

SECTION 1. The village council of any incorporated village in this state is hereby authorized and empowered to provide for the sprinkling of the streets, avenues, alleys, parks or other public grounds of the said village, or any part thereof, whenever and wherever they deem it necessary for the preservation of health or the promotion of the comfort of the inhabitants thereof, and upon petition of the owners of two-thirds (⅔) of the amount of frontage abutting upon any such street, avenue or alley or part thereof, to assess the expenses of such sprinkling upon the real property abutting upon such street, avenue or alley or part thereof, in proportion to its frontage.

Advertise for proposals.

SEC. 2. Whenever the village council proposes to make a contract for the sprinkling of any streets, avenues, alleys, parks or other public grounds, or any part thereof, of any incorporated village in this state, they

shall advertise for proposals to be made to them for the doing of such work, by publishing once in a newspaper, printed in whole or in part in the said village, a notice of the time when and the place where bids will be received by the said village council for the doing of such sprinkling as they may have determined upon, the amount thereof being stated in the said advertisement, and any person or persons desiring to bid for sprinkling shall furnish a bond executed by the bidder and two (2) responsible sureties, conditioned that he will enter into and execute a contract to perform the work for the price mentioned in his bid in case the contract shall be awarded him, the said bond being payable to the village council of the said village, and the village council shall award the contract for such sprinkling to the lowest reliable and responsible bidder without regard to his sureties. Bond.

SEC. 3. At any time after the contract is let for sprinkling as aforesaid and before the first (1st) day of September following, the said village council shall give at least ten (10) days' notice by two (2) publications in a newspaper printed in whole or in part in the said village, to the effect that at a certain time and place they will proceed to make an assessment for sprinkling. Said notice shall state the streets, avenues, alleys, or parts thereof sprinkled. The said village council shall assess the amount as nearly as they can ascertain the sum which shall be required to defray the costs of said sprinkling, including the necessary expense of making and collecting such assessment, upon the real property and lots of land fronting on such streets, avenues and alleys, or parts thereof, so sprinkled, without regard to the cash valuation thereof or whether the same shall be improved or otherwise, and in making said assessment the said expenses and costs shall be proportioned pro rata upon the lineal feet of said real estate or lots of land fronting on such streets, avenues, or alleys, or parts thereof, aforesaid. Method of assessment.

SEC. 4. Assessments for sprinkling streets, avenues, alleys or parts thereof may be in the following form or any other equivalent form which the village council may adopt:

The village council of the village of..... Form.
doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set opposite each lot or parcel.

This assessment is levied to defray the expenses of sprinkling the streets fronting the said lots and parcels of land from the.....day of.....
A. D. 18.... to the.....day of.....A. D.

18...., according to the contract for sprinkling from .....to.....for the term of .....from.....and such lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement:

Name of Owner if Known.	Description of Land.	Lot	Bl'k.	Amount. Dol.	Amount. Cts.

Done at a meeting of the village council of the village of.....this..... day of.....A. D. 18....

.....
President.

Attest:.....
Village Recorder.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No. 423.

CHAPTER 263.

Villages.

An act conferring power on villages within this state with respect to water works.

Be it enacted by the Legislature of the state of Minnesota:

Water works.

SECTION 1. That all villages incorporated under the general laws of this state, which have heretofore constructed or erected, or which shall hereafter construct or erect water works, mains and pipes or any system of water works for fire protection or other purposes, are hereby authorized and empowered to furnish and supply through and by means of such water works, mains, and pipes, or system of water works, water to the inhabitants of such village for all private and domestic uses and purposes for such reasonable compensation as the village council thereof shall by ordinance or other proper regulation determine, and for that purpose may from time to time and whenever necessary

increase their facilities and extend their pipes, mains and water system and erect and provide all necessary and proper appliances and appurtenances in connection therewith.

SEC. 2. This act shall be in force from and after its passage and publication.

Approved April 13th, 1895.

CHAPTER 264.

S. F. No. 685.

Lockups.

An act to regulate the construction and management of city and village lockups.

Be it enacted by the Legislature of the state of Minnesota:

Cities and villages may build and maintain.

SECTION 1. The common council of any incorporated city or legally organized village in the State of Minnesota is hereby authorized and empowered to purchase, build or lease, and maintain and regulate one or more lockups for the detention of persons charged with offenses against the ordinances and by-laws of said city or village, or for the confinement of persons sentenced to imprisonment for the violation of such ordinances and by-laws. It shall also be lawful, under such regulations as such council may prescribe, to use such lockup for the the temporary detention of any prisoner arrested under due process of law.

To be approved by state board of charities, &c.

SEC. 2. It shall be unlawful for any city or village council to lease or purchase or to make final adoption of plans for the building of any lockup or for repairs costing more than one hundred ($100) dollars until the plans of said lockup or said repairs shall have been approved by the state board of corrections and charities; and no contract for the purchase or lease or erection of any city or village lockup shall be valid or of binding effect unless the suggestions and criticisms of the said board of corrections and charities shall have been placed on file in the office of the city clerk or the village recorder, as the case, may be before the execution of said contract.

SEC. 3. It shall be unlawful for the state board of corrections and charities to approve any plan for a village lockup unless the said lockup shall contain at least two separate rooms, and unless it is to be constructed of fire-proof material, or is to have all woodwork, within and without the building, except window frames and window sash, thoroughly covered with tin, sheet iron, or other fire proof material.

To be kept clean.

SEC. 4. It shall be the duty of the chief of police or the village marshal, as the case may be, to see that the lockup and the bedding therein is kept at all times clean, wholesome and free from vermin. It shall be his duty to cause the lockup to be swept daily and thoroughly cleansed with water at least once in two weeks unless it is unoccupied.

How confined.

SEC. 5. It shall be unlawful to keep male and female prisoners in the same room or to keep insane persons, or children under sixteen (16) years of age in the same room with other prisoners. So far as practicable, each prisoner in the lockup shall be kept in separate cell.

Register.

SEC. 6. It shall be the duty of the chief of police or the village marshal, as the case may be, to keep a true and exact register of all prisoners committed to the lockup and all persons admitted to the lockup as lodgers in such form as the state board of corrections and charities may prescribe; and the same shall be kept in a book to be provided by the city or village.

Matron.

SEC. 7. It shall be the duty of the mayor of every city or village in which such a lockup is located to appoint some discreet and competent woman of good character as matron for each lockup located in said city or village, who shall have exclusive charge of all women committed to such lockup and shall receive such compensation as the said common council shall from time to time determine, not less than fifty cents (50) for each day when there are female prisoners confined in the lockup.

Liquors excluded.

SEC. 8. No officer in charge of any lockup shall deliver or permit any other person to deliver to any inmate of such lockup any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider, or beer, unless a physician shall certify in writing that the health of such prisoner requires it, in which case he may be allowed the quantity prescribed and no more.

Health officer to inspect.

SEC. 9. It shall be the duty of the health officer of every city and village to inspect the lockup once in each year of his official term with reference to its sanitary condition; to make a written report of his inspection to the state board of corrections and charities on such blanks as said board shall prescribe and to present a copy of said report to the city or village council; and the said health officer shall receive from the treasury of said city or village the sum of two (2) dollars for every such annual inspection; *provided* that the said fee shall not be paid until he shall have first filed his report as aforesaid.

SEC. 10. Any officer neglecting the duties prescribed in sections four (4), five (5), six (6), eight (8) and nine (9) of this act shall be guilty of a misdemeanor. Misdemeanors.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 265.

S. F. No. 548.

An act to make adjacent lands to an incorporated village used as a cemetery a part of such incorporation. Villages.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That all lands adjoining any incorporated village in this state used as a cemetery or for burial purposes, or that shall hereafter be used for such purpose, shall be and are hereby made a part of and included in such incorporation. Village cemeteries.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

CHAPTER 266.

S. F. No. 65.

An act to validate the acts of villages heretofore attempting to be incorporated in Minnesota under an act entitled "An act to provide for the incorporation of villages and to define their duties and powers and to repeal certain laws in relation thereto being chapter one hundred and forty-five of the general laws of one thousand eight hundred and eighty-five, approved March 1st, one thousand eight hundred and eighty-five. Villages.

Whereas, certain villages have attempted to incorporate under and by virtue of chapter one hundred and forty-five (145) of the general laws of one thousand eight hundred and eighty-five (1885), being an act entitled "An act to provide for the incorporation of villages and to define their duties and powers and to repeal certain laws in relation thereto;" and,

Whereas, it appears that such attempted incorporation was not in all respects conducted within the letters of said act; but that notwithstanding said villages

have gone on and conducted their affairs as though such attempted incorporation had been in full accordance with said act therefore

Be it enacted by the Legislature of the state of Minnesota:

Healing act.

SECTION 1. That all acts which have heretofore been done or performed by any village under an attempted incorporation under chapter one hundred and forty-five (145) of the General Laws of one thousand eight hundred and eighty-five (1885) being an act entitled "An act to provide for the incorporation of villages and to define their duties and powers to repeal certain laws in relation thereto" shall have the same force and effect as though said attempted incorporation had in all respects been conducted in full accordance with said act of one thousand eight hundred and eighty-five (1885) and that where a new incorporation of such village shall have been had under any of the general laws of Minnesota because of the failure of said attempted incorporation, the said acts of said attempted incorporated village shall have, and do have, the same force and effect as they would have had had they been the acts of the said reincorporated village; *provided*, that nothing in this act shall be construed to legalize or validate the attempted incorporation of any village which embraced or attempted to embrace within its territory and tract or tracts of lands not lying so near or in such close proximity to the platted portion of said village as to be suburban in character and to have some unity of interest with such platted portion thereof in the maintenance of a village government.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26th 1895.

S. F. No. 109.

CHAPTER 267.

Villages.

An act to legalize and confirm certain acts of village councils of villages in the state of Minnesota, relating to the expenditure of money on roads outside the limits of and adjacent to such village.

Be it enacted by the Legislature of the state of Minnesota:

Healing act.

SECTION 1. That the action of the village council of any incorporated village council in this state during the years one thousand eight hundred and ninety-three

(1893) and one thousand eight hundred and ninety-four (1894), expending moneys to improve the roads, outside the limits of and adjacent to any such village, be and the same is in all things legalized and made valid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 8th 1895.

CHAPTER 268.

H. F. No. 125.

An act to legalize certain incorporations of villages under chapter one hundred and forty-five (145) of the general laws of eighteen hundred and eighty-five (1885) and the several acts amendatory thereof.

Villages.

Be it enacted by the Legislature of the state of Minnesota.

SECTION 1. That in all cases where there has been heretofore an attempted formation and organization of a village under the provisions of chapter one hundred and forty-five (145) of the general laws of eighteen hundred and eighty-five (1885), and the several acts amendatory thereof, and the petition, copy of notice of election and certificate of inspectors of election filed in the office of the register of deeds of the proper county, and said village has in fact proceeded to act as an incorporated village, and transact and carry on business as such village, in the corporate name assumed by it, such attempted formation and organization of such village, under the name assumed, in each and every such case is hereby legalized and declared a valid and effectual formation and organization of such village, under the name assumed, from and after the time of the actual filing as aforesaid of such petition, copy of notice of election and certificate of inspectors of election notwithstanding the omission of any matter or thing by law prescribed to be done or observed in such formation or organization and notwithstanding any defect in such petition, notice of election or certificate of inspectors of election. And any and all conveyances of property, real or personal, in good faith and lawful form, made to or by any such village under the corporate name so assumed, and any ordinances, resolutions or by-laws adopted, or taxes levied by such village, are hereby legalized and declared as valid and effectual as if such village had been originally in all things duly and legally incorporated. *Provided* nothing

Healing act.

herein shall affect any action or proceeding now pending.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd 1895.

S. F. No. 622.

CHAPTER 269.

An act to authorize any town, county, city, or municipal corporation or quasi-municipal corporation to convey land or any right or interest in land to the United States and to release any lien thereon.

Be it enacted by the Legislature of the state of Minnesota:

Municipal corporation may convey its land to United States.

SECTION 1. Whenever the United States shall desire land for any purpose whatsoever which is owned or held for any purpose by any town, county, city or municipal corporation or quasi-municipal corporation, or in which any such town, county, city or municipal corporation or quasi-municipal corporation shall have any right, interest, claim or lien, it shall be lawful for the board of supervisors or board of county commissioners or city council or other governing body of such town, county, city or municipal corporation or quasi-municipal corporation in its discretion to grant, give, convey or release or cease to be granted, given, conveyed and released to the United States such land or any right or interest therein or lien thereon.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17th, 1895.

S. F. No. 8.

CHAPTER 270.

Villages.

An act to provide for appointment of deputy village clerks and recorders and to define their duties and powers.

Be it enacted by the Legislature of the state of Minnesota:

Deputy village clerks.

SECTION 1. The clerk or recorder of any incorporated village in this state may appoint under his hand and seal by and with the consent of the village council, a deputy for whose acts he shall be responsible, and whom he may remove at pleasure.

Such deputy shall before entering upon his official duties, take the oath required by law, which oath and appointment shall be filed in the office of the clerk of the district court of the proper county.

SEC. 2. Such deputy shall possess all the powers and may perform all the duties of the village clerk or recorder except he shall not be a member of the village council.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 27th 1895.

CHAPTER 271.

H. F. No. 116.

An act to prevent the spread of noxious weeds from empty freight cars.

Weeds.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. In order to prevent the spread of noxious weeds from empty freight cars, it shall be the duty of each and every railroad company owning or operating any railroad or railroads in this state, to keep the doors of empty freight cars closed while hauling such cars over their lines in this state.

Doors of freight cars to be shut.

SEC. 2. Any railroad company that willfully violates the provisions of this act shall be liable to a fine of not less than ten (10) nor more than twenty-five (25) dollars for each offense.

Penalty.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 12th, 1895.

CHAPTER 272.

H. F. No. 631.

An act to prevent the spread and provide for the destruction of thistles and other noxious weeds in public highways.

Weeds.

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Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Every person and corporation shall destroy upon all lands embraced within or constituting part of the public highway opposite or adjoining lands which he or they may own or control or occupy, all

Abutting owners to kill weeds in highway.

weeds known as Russian, Canada or other thistles, burdock, white or ox-eye daisy, wild mustard, snap dragon, or toad flax, cockleburr, sow thistle, sour dock, yellow dock and all other noxious weeds, at such time and in such manner as shall effectually prevent them from bearing seed.

Failure to destroy.

SEC. 2. If the occupant of any such lands shall fail to so destroy such weeds as so required after having six days notice in writing by any road overseer or other proper officer such occupant shall be reported by said overseer or other proper officer as delinquent and a tax be levied against such lands as hereinafter provided.

Service of notice on corporation.

SEC. 3. Whenever it shall become necessary to serve notice as provided in section two (2) of this act upon any manufacturing or other corporation owning or controlling any lands in any town, such notice if served upon any agent of such corporation residing or being in said town, city or village shall be deemed good and sufficient notice and if no such agent shall reside or be in such town, city or village. Then such notice may be served upon any agent of such corporation who shall reside or be in any adjoining town, city or village or at its general place of doing business in this state and if such owner of vacant lands is a non-resident by mailing the same to any such owner or agent.

Notice.

SEC. 4. It shall be the duty of the road overseers of each town, street commissioner of each village and the city engineer of each city, to serve or cause to be served the notice referred to in section two (2) of this act upon the proper person or persons, in their own town, village, or city as the case may require.

Duty of road overseer.

SEC. 5. The said overseer, commissioner or engineer shall carefully inquire concerning the existence of noxious weeds in his township or precinct, village or city and in case any person, persons or corporation owning occupying or controlling any lands adjoining any public highway within this state shall neglect after such notice, to destroy any Russian, Canada, or other thistles, burdock, white or ox-eye daisy, wild mustard, snap dragon, or toad flax, cockleburr, sow thistle, sour dock, or yellow dock or any other noxious wreds growing on any lands constituting any highway, lane, or alley adjoining such lands, it shall be the duty of such lands, it shall be the duty of such officer to destroy or cause to be destroyed all such weeds growing upon such highway. He shall spend as many days as the chairman of the town board, president of the village, or mayor of the city may deem necessary, and for each day

$2.00 per day.

so spent shall receive two (2) dollars upon presentation of his account therefor, verified by his oath and specifying

by separate items the amount against each piece of land describing the same and the several amounts shall be placed in the next tax roll in a separate column headed "for the destruction of weeds," and extended as a tax against the lands adjoining such highway, upon which such weeds were destroyed and be collected as other taxes. Tax.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed, save that nothing herein contained shall be construed as repealing or affecting any of the provisions of any act heretofore or hereafter passed, entitled "An act to provide for the destruction of a weed commonly known as Russian thistle, and to appropriate money therefor." Repealing clause.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 26th 1895.

CHAPTER 273.

H. F. No, 636.

An act to declare certain weeds common nuisances and to provide for their destruction. Weeds.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The weeds named in this section shall be known as noxious weeds and are hereby declared to be common nuisances, and for convenience are classified into the following groups. First group: Wild mustard (Brasisca Sinapis), wild oats (Avena sativa), cockleburr (Xanthium Strumarium), burdock (lappa officinati), tumble mustard (sisymbrium sinapistrum). Second group: Canada thistle (canicus arvensis), ox-eye daisy (lencanthemum vulgare), and quack grass (tuticum vulgaris). Third group: French weed (thalaspi avensel). Declared a nuisance.

SEC. 2. It shall be unlawful for any person or persons or any corporation owning, occupying or having control of any lands within this state, whether within the limits of any town, village or city or otherwise, to knowingly permit or suffer any of the weeds named in the first or second groups mentioned in section one (1) of this act to go to seed upon any lands thus owned, occupied or controlled by such person or persons or corporation. And it shall likewise be unlawful for any such person, persons or corporation to knowingly permit or suffer any of the weeds named in the second group mentioned in section one (1) of this act to grow and reproduce themselves by crowns or underground stems or buds, Unlawful to allow to grow.

for a longer period than two (2) years on any land thus owned, occupied or controlled by them; and it shall further be unlawful for any such person, persons or corporation to knowingly permit or suffer weeds named in the third group mentioned in section one (1) of this act to produce seeds for a longer period than four (4) years upon any land thus owned, occupied or controlled by them. For the purposes of this act, ownership, occupancy or control of lands shall extend to the center of any highway, street or alley adjoining.

Supervisor's duty.

SEC. 3. It shall be the duty of the town supervisors or other person or persons having the control of the public highways, streets or alleys, to enforce the provisions of this act as hereinafter provided. They shall use all reasonable means to educate those interested in lands upon which noxious weeds exist, as to the best means of indentifying and the proper method of eradicating the same and when previous knowledge of the existence of said weeds upon any land is admitted by the owner, agent or occupant, or where such knowledge is proven to the satisfaction of the officers charged with the enforcement of the provisions of this act, and no steps have been taken to eradicate said weeds by such owner, agent or occupant, it shall be lawful and it is hereby made the duty of such officers to enter upon such lands and to take such steps as they may deem necessary to eradicate such weeds.

Same.

SEC. 4. The officers charged with the enforcement of this act are required, and it is hereby made their duty to examine all highways, streets and alleys and to investigate all cases where they have from their own knowledge or the report of others reason to suspect the existence of noxious weeds on any lands within their

Notice to owner

jurisdiction. They shall give the owner, agent or occupant notice of the time in which such weeds shall be destroyed and shall arrange with him or them for the prosecution of effective means to that end. Providing satisfactory arrangements cannot be made, it shall be the duty of the said officers to enter upon said lands and to cause to be taken such steps as in their judgment

Expenses.

are deemed necessary to eradicate such weeds. The necessary expenses thus incurred shall be paid out of the fund for the support of highways and the labor paid for shall be at the same rate paid labor on the public highways.

Notice to supervisors.

SEC. 5. Any person having knowledge or having reason to suspect that any of the weeds named in section one (1) of this act are growing or standing upon any lands situated in the town, village or city of which he is a resident, may notify in writing the town supervisors,

or other person or persons having control of the highways, streets or alleys in such town, village or city, designating as nearly as may be the tract or tracts upon which such weeds are supposed to be, whereupon it shall be the duty of said officers to immediately inspect the premises mentioned, and if such weeds are found to exist upon such premises, they shall immediately proceed as provided in section four (4) of this act. In case the owner or agent cannot be found, or in case they fail to destroy the said weeds within the time specified by said officers, it shall be lawful for and it shall be the duty of the officers herein mentioned to enter upon the lands described and destroy or cause to be destroyed the weeds herein mentioned and to pay therefor at the same rate that is paid for road labor, and every supervisor or other person hereinbefore authorized to destroy such weeds shall keep a correct account of all monies paid out for that purpose, and charge the same to the person or persons or corporation owning or controlling the land or lands upon which such weeds were destroyed. And unless the same shall have been paid by the owner or person in control of the land before the first of the following October it shall be returned to the county auditor and the county auditor shall levy the same against the said land to be collected the same as other taxes.

Penalty for violation.

SEC. 6. Any person or persons or the officers of any corporation violating the provisions of section two (2) of this act or who shall fail to comply with the notices specified in section four (4) of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars and not more than one hundred (100) dollars; and any officer failing to perform the duties imposed upon him by the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (25), dollars and not more than one hundred (100), dollars and upon the petition of any official responsible under this act or of two (2) tax payers, the county attorney shall prosecute such alleged offending person or persons.

Proceeds from fines.

SEC. 7. All fines collected under the provisions of this act shall be paid into the fund for the maintenance of roads and bridges in the town or municipal corporation in which the offense is committed.

SEC 8. Sections ninety-two (92), ninety-three (93), ninety-four (94), ninety-five (95), ninety-six (96) and ninety-seven (97) of chapter ninety-five (95) of the general statutes of one thousand eight hundred seventy-eight (1878) as amended, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S. F. No 380.

CHAPTER 274.

Weeds.

A act to provide for the destruction of a weed commonly known as the Russian thistle, and to appropriate money therefor.

Preamble.

Whereas the Russian thistle has already made its appearance in many of the counties of Minnesota, and unless promptly exterminated will become greatly injurious not only to the agricultural interests, but to every legitimate business in the state, and,

Whereas there must be concerted action through all the infested areas in order to destroy the Russian thistle, therefore,

Be it enacted by the Legislature of the state of Minnesota:

Nuisance.

SECTION 1. The weed commonly known as the Russian thistle is hereby declared a public nuisance, demanding prompt and efficient action on the part of the state for its abatement.

Misdemeanor for allowing.

SEC. 2. Any person or persons, company or corporation, owning or occupying any land within this state, whether said land be within the limits of any village or city, or elsewhere, or having the control of any such land, who shall knowingly permit or suffer any Russian thistle to grow or remain thereon after the expiration of the date named in the notice as provided for in section three, shall be deemed guilty of a misdemeanor, and of maintaining a public nuisance, and, on conviction thereof before any court having jurisdiction shall be punished by a fine not exceeding one hundred ($100) dollars, nor less than ten ($10) dollars and costs of prosecution.

And the finding of such thistle or thistles standing and growing on any such land after the date named in the notice shall be prima facie evidence that the person or corporation owning or occupying the same or having the control thereof, knew of and permitted the same to grow and remain thereon.

SEC. 3. For the purpose of fixing a time after the expiration of which such thistles may be destroyed by public authority, it is hereby made the duty of the board of county commissioners to fix by resolution a

time for the destruction of all Russian thistles standing or growing in their respective counties.

Notice of such time shall be forthwith published by the county auditor in the official paper of the county for three successive weeks, and the county auditor shall at once mail notice to each town clerk in his county, and notice of such time shall be forthwith posted by each town clerk in the usual places for posting such public notices in each town, and such time shall be so fixed and notice thereof given, as above provided, early enough each season to enable those whose duty it is to destroy such thistles to do the same in time to prevent them from maturing seeds. Public notice.

And it is hereby made the duty of all owners and occupants of lands within such towns, counties, villages or cities to destroy all such thistles growing on their lands at or before the expiration of the time so fixed; and if they shall fail to do so, the public authorities shall destroy the same at the expense of said owners or occupants as hereinafter provided.

It shall also be the duty of the county auditor to notify the division superintendents of all railways within the county of which he is auditor of the date set by the board of county commissioners before which all Russian thistles must be destroyed.

SEC. 4. Every board of town supervisors, or in case of organized towns, the board of county commissioners, or in case of villages or cities the village or city council shall appoint one or more persons to be known as "weed agents" for each township or smaller district whose duty it shall be to destroy or cause to be destroyed in such district as shall be definitely allotted to him by the town or county board or by the village or city council, before the expiration of the time for the destruction thereof by others, all Russian thistles found growing on the public highways or streets in his district; and, after the expiration of the time fixed for the destruction of such thistles by the owners or occupants of lands, as provided in section three of this act, each weed agent shall destroy or cause to be destroyed before the time such thistles mature seeds all such thistles found standing and growing on the lands within his district other than public highways, and for this purpose he may lawfully enter upon any such lands, if he has reason to believe that such thistles are growing thereon. Weed agents.

Provided, however, that no town supervisor shall be appointed as "weed agent."

For these services such weed agents and persons employed by them, shall be entitled to such compensation

as shall be fixed by the board or council appointing them.

Duties of weed agent.

SEC. 5. It shall be the duty of such weed agent to present to the board of supervisors of his town, or where towns are not organized to the county commissioners or in villages or cities to the village or city council, an itemized account verified under oath, giving the description of each piece of land with the name of owner and occupant, upon which Russian thistles have been destroyed by said weed agent or persons employed by him, and the amount due each person for services in such work.

He shall also in like manner make a statement showing the cost of destroying the thistles upon public highways.

Auditing accounts.

SEC. 6. It shall be the duty of the board of township supervisors, or where towns are not organized of the county commissioners or in villages or cities of the village or city council, to audit the accounts presented by the weed agents for the destruction of Russian thistles on the public highways and streets, and to pay the amount allowed out of the general town fund, if audited by the town board, or out of the county fund if audited by the county board, or out of the village or city fund if audited by the village or city council.

Same.

SEC. 7. It shall be the duty of the board of supervisors to audit the bills presented by the weed agents for the destruction of Russian thistles on highways, or under his direction on lands other than public highways, and the amount allowed on each parcel or lot of land shall be certified by the board of supervisors or by the village or city council to the board of county commissioners.

Upon the approval of the board of county commissioners, in case of towns not organized the board of county commissioners alone shall audit and approve at any regular or special meeting, and after the expiration of thirty days if appeal is not taken from the action of the county commissioners, as the law provides in other cases, it shall be the duty of the county auditor to draw a warrant upon the county treasurer for the amount allowed; and the county auditor shall certify to the state auditor the full amount allowed by the county commissioners for the destruction of Russian thistles in the county; and upon receipt of the certificate of the county auditor of the counties where Russian thistles have been destroyed as provided for in this act, the state auditor shall draw his warrant upon the state treasurer in favor of each county for the full amount certified by each county auditor and the state treasurer shall

immediately pay the amount so certified to each county.

Appropriation.

SEC. 8. The sum of twenty-five thousand ($25,000) dollars or as much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated for each of the years eighteen hundred and ninety-five and eighteen hundred and ninety-six to be a revolving fund to carry out the provisions of this act, and the same shall be known as the Russian thistle fund.

Taxation.

SEC. 9. It shall be the duty of the county auditor to enter upon the tax list in a separate column for the purpose headed "For the Destruction of Russian Thistles," the amount allowed by the county commissioners and actually expended for the destruction of the Russian thistle as a tax upon each separate parcel or lot of land upon which such thistles were destroyed by the weed agents under the authority of this act, to be collected as other land taxes are collected, and the entry of such tax upon the tax roll shall be conclusive evidence of the liability of the land so taxed to such tax.

County treasurer's duty.

SEC. 10. The county treasurer shall immediately after such settlement in February, May and September pay over to the treasurer of the state all moneys received by him arising from taxes levied and collected belonging to the state, taking duplicate receipts thereof one of which shall be placed on file in the office of the county auditor.

Neglect of duty—penalty.

SEC. 11. If any township supervisor or village or city councilman or county commissioner or weed agent shall knowingly and willfully neglect or refuse to perform any of his or their duties prescribed by this act upon conviction thereof shall pay a fine of not more than one hundred ($100) dollars, nor less than twenty-five ($25) dollars; and it shall be the duty of the county attorney upon the complaint of any tax payer in the county to bring action and prosecute the same.

Proceeds from fines.

SEC. 12. All moneys arising from the collecting of fines shall be paid to the town treasurer in organized towns, or in case of towns not organized to the county treasurer, or in villages and cities to the village or city treasurer and placed by him to the credit of the general town, county, village or city fund, respectively.

Appeals from tax levy.

SEC. 13. Upon petition of the owner or owners of any lands in the state to the district court of the county in which the land tax for the destruction of Russian thistles is located, the judge of the district court to whom petition is made shall hear the evidence and where the payment of the tax will work extreme hardship he may make such order and grant such relief as shall be equitable and in case the tax or any part there-

of shall be abated, the finding of the court shall be immediately reported to the county treasurer and one copy to the county auditor.

Such petition shall be made and a determination thereof had prior to the time for the filing of the delinquent tax list by the county auditor, with the clerk of the district court, and eight days notice of the time and place of hearing thereof shall be given by the appellant to the county attorney of the proper county.

State lands.

SEC. 14. The boards of town supervisors, and in case of unorganized towns the board of county commissioners shall cause to be destroyed all Russian thistles on or before the date fixed by law on all lands belonging to the state, and payment for said work shall be provided for in the same manner as is provided for in section 7 of this act for the payment of the destruction of Russian thistles on the lands of negligent owners, except that the county need not refund such moneys to the state.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1895.

S. F. No. 556.

CHAPTER 275.

An act to provide for the publication of the official state and county ballot.

Be it enacted by the Legislature of the state of Minnesota:

Publishing ballot.

SECTION 1. It shall be the duty of the county auditor of each county in this state, two weeks before any general election, to have the official ballot for state and county officers published for one time in the official newspaper of said county, payment for the same to be made in accordance with the contract made by the county board with the county official printer, if there be such, otherwise in accordance with statutory rates governing legal advertising.

SEC. 2. It shall be the duty of the secretary of state to forward to the county auditors of the several counties sample copies of the official state ballot within the proper time to allow the county auditors to perform the duty required in section 1.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

CHAPTER 276.

S. F. No. 549.

An act relating to primary elections.

Be it enacted by the Legislature of the state of Minnesota:

Primary elections.

SECTION 1. A primary election within the meaning of this act, is an election held in any county or city in the state of Minnesota by any political party to elect delegates to political conventions.

Definition. Notice.

SEC. 2. When any political party desires to hold a primary election, in any county or city it shall be the duty of the duly authorized committee of such political party for such county or city to publish a notice once a week for at least two consecutive weeks, the first publication of which shall be at least twenty days previous to the day appointed that such primary election will be held.

Said notice shall be published in a newspaper of general circulation printed and published in the county in which the primary election is to be held. The notice shall give the date when the primary election will be held, the number of delegates each election district is entitled to in convention, the purpose for which the election is called and the offices for which candidates are to be nominated in convention. In case there is no paper of general circulation in the county where the primary election is to be held, then it shall be the duty of the duly authorized committee of the political party holding the primary election to post said notices in at least three places in such city or county at least twenty days before the date at which the primary election is to be held. At least six days before the primary election is held in any election district or precinct the duly authorized committee of the political party holding said primary election shall cause proper notices to be posted in three public places in said precinct giving the time and place of holding the said primary election in said precinct.

Who may vote.

SEC. 3. None but regularly qualified voters shall be allowed to take part in any primary election, and it shall be unlawful for any person not affiliated at the last general election with the political party holding its primary election or for any person who has not resided for at least thirty days in the election district where the primary election is held, to vote or take part in such primary election.

When held.

SEC. 4. Such primary election shall be held between two and nine o'clock p. m., at an hour to be fixed by

the committee calling the same: and shall be held open not less than one hour.

All primary elections of a political party for each city or county held in the different election districts of a city or county for the purpose of electing delegates to the same political convention shall be held on the same day and at the same hour. When the hour for holding a primary election in any election district has arrived, the primary shall be called to order by the chairman or secretary of the precinct committee, or in their absence by some other qualified voter of the party holding such primary election, and the qualified voters members of the political party holding the primary election, present, shall choose from their number a chairman, a clerk of election and two judges of election, selected as far as possible from the known friends of the different candidates for office to be filled at the city or county convention. *Provided*, however, the said officers may be so selected by the duly authorized governing committee of such political party for such county or city. The officers of a primary election may be chosen by a viva voce vote, but all delegates to a political convention shall be elected by ballot, and each qualified voter at such primary shall place on his ballot which may be written or printed, or partly written and partly printed, as many names for delegates as such precinct is entitled to in convention, *provided*, that if any ballot contains more names than such precinct is entitled to delegates, such ballot shall be wholly void. Those persons who receive the highest number of votes in any precinct shall be declared elected and a plurality shall elect.

How conducted

Delegates.

Duty of chairman.

SEC. 5. It shall be the duty of the chairman to preside over the primary election, to administer oaths of office to the judges and clerks of election, and to any voter whose vote is challenged, all of which he is hereby authorized to do. And *provided further*, that, in case any voter makes oath that he has changed his political affiliation to the political party holding said primary election, after the last preceding general election, his vote shall be received; *provided* the judges find such statements to be true. It shall be the duty of the mayor of each incorporated city having twenty election districts or more to provide one regular or special policeman or more if necessary at each primary election polling place to preserve order during such election.

Duty of clerk.

It shall be the duty of the clerk of election to keep minutes of the proceedings of the primary election and administer the oath of office to the chairman, which he is hereby authorized to do. It shall be the duty of the judges of election to receive the votes of all voters duly

qualified to vote under the provisions of this act and to make a record of the name and address of every voter at said primary election before he is allowed to vote, and in case a vote is challenged by any qualified voter present, the judge shall refuse to receive the vote so challenged until the voter makes oath before the chairman that he is a qualified voter, that he voted with the political party holding the primary election at the last election, that he intends to vote for and support the nominees of the convention, composed of the delegates chosen at such primary election, and that he resides in the election district where the primary election is being held, giving the number or location of his place of residence. *Provided*, however, that in case any voter makes oath that he did not vote at the last election because he was not of age or because he did not reside in the state, or because of sickness or other reason satisfactory to the judges, his vote shall nevertheless be received, if he makes oath that he affiliates with the political party holding the primary elections. No person shall during any one calendar year vote at the primary election of more than one political party.

Record—challenges.

One party per year.

SEC. 6. Before entering upon their duties of office, the chairman, clerk and judges of election shall take the same oath of office as that required by the general election law of the state of Minnesota for the officers of a general election. At the time hereinbefore fixed for the closing of the polls, it shall be the duty of the judges to count the votes and report the same to the chairman who shall announce the result of the vote cast and declare the candidate or candidates receiving a plurality of all the votes cast, elected as a delegate as the case may be. It shall then be the duty of the chairman and clerk to furnish the delegates selected with proper credentials certifying to their election, and also to furnish the chairman of the committee calling the primary election a list of the names and places of residence of the electors voting at said primary election.

Oath of officers

Counting.

Credentials.

SEC. 7. The duly authorized committee of a political party, in issuing the call for a primary election in a city or county containing a population of less than two thousand persons may treat such city or county in the call as one election district, and the primary election in such case shall be held and conducted as one primary election for that political party in such city or county, *provided*, that none of the provisions of this law shall apply to village, township or school district, local elections or caucuses.

Call.

SEC. 8. The duly authorized committee of a political party in any county or city, may call a delegate conven-

Delegate convention.

tion for the election of delegates to another convention, the call shall be issued under the provisions of this act, and the primary elections for the election of delegates to such convention, shall be conducted under the provisions of this act. *Provided* this act shall not apply to any political party in any county, city or district polling less than five per centum of the votes cast at the last general election.

Vacancies—how filled.

SEC. 9. In case any elector duly elected a delegate to a political convention, fails for any cause to serve, he shall not give a proxy to another elector, but the vacancy caused by his failure to serve shall be filled from the qualified electors of such election district by the delegation in which the vacancy occurs. In case any delegation fails to serve, the convention to which such delegation has been elected shall select qualified electors, if such be present at said convention, residing in the same election district from which said delegation was chosen, to act in lieu thereof. In case no qualified elector of the election district represented by the delegation is present, to fill the vacancy caused by the failure of one or more delegates to serve, then the delegates present, shall have the right to cast the full vote of the delegation.

Penalty for violation.

SEC. 10. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars and not exceeding five hundred (500) dollars or imprisonment for not less than thirty days and not exceeding six months.

SEC. 11. This act shall take effect and be in force from and after the first day of July, A. D. eighteen hundred and ninety-five.

Approved April 25th 1895.

S. F. No. 23.

CHAPTER 277.

Corrupt practice act.

An act to prevent corrupt practices in elections, to limit the expenses of candidates, to prescribe the duties of candidates and political committees, and provide penalties and remedies for violation of this act.

Be it enacted by the Legislature of the state of Minnesota:

Bribery—definition—who guilty of

SECTION 1. The following persons shall be deemed guilty of bribery at elections and shall be punished as in this section provided.

First—Every person who shall directly or directly,

by himself or by any other person on his behalf give lend or agree to give or lend, or shall offer, promise, or promise to procure or endeavor to procure any money or valuable consideration or any place or employment, public or private, to or for any voter, or to or for any person, on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter, having voted or refrained from voting at an election.

Person corrupting.

Second—Every person who shall, upon or in consequence of any gift, loan, offer, promise of any place or employment, public or private, procurement or agreement, procure or engage, promise or endeavor to procure, the election of any person to a public office, or the vote of any voter at any election.

Third—Every person who shall advance or pay, or cause to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money wholly or in part, expended in bribery at any election; any person so offending shall be guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not more than five years and for every such offense he shall also forfeit the sum of $500 with costs of suit to be paid into the county treasury for the benefit of the state school fund.

Provided always, that the foregoing enactment shall not extend to or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

Legal expenses are herein defined to such as are, or may by a reasonable construction be included only in the following, that is to say:

1. For the personal traveling expenses of the candidate.

2. For the rent of hall or rooms for the delivery of speeches relative to principles or candidates in any pending election, and for the renting of chairs and other furniture properly necessary to fit such halls, or rooms for use for such purposes.

3. For the payment of public speakers and musicians at public meetings and their necessary traveling expenses.

4. Printing and distribution of lists of candidates or sample tickets, speeches or addresses by pamphlets newspapers or circulars, relative to candidates or political issues or principles, cards, handbills, posters or announcements.

5. For challengers at the polls at elections.
6. For copying and classifying of poll lists.
7. For making canvasses of voters.
8. For postage, telegraph, telephone or other public messenger service.
9. For clerk hire at the headquarters or office of such committee.
10. For conveying infirm or disabled voters to and from the polls.

Same—person corrupted.

SEC. 2. The following persons shall also be deemed guilty of bribery at elections, and shall be punished as in this section provided: (1). Every voter who shall, before or during any election, directly or indirectly, by himself, or by any other person on his behalf, demand, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment, public or private for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election. (2). Every person who shall, after any election, directly or indirectly, by himself, or any other person on his behalf, demand or receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election, and any person so offending shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than three months.

Candidates.

SEC. 3. Any candidate for a public office or any person seeking to become the nominee of any party as such candidate, who, within ten days prior to any primary election or meeting held to select delegates to a convention to nominate a candidate for the public office which he seeks to obtain, or who within sixty days prior to the election whereat an incumbent for the office so sought by him is chosen, corruptly by himself, or by any other person, directly or indirectly, gives or provides or pays, wholly or in part, or promises to pay, wholly or in part the expense of giving or providing any meat, drink, entertainment or provision, to or for any person, for the purpose of corruptly influencing that person or any other person to give, or refrain from giving, his vote at such election, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined twenty-five dollars for each offense.

Coercion.

SEC. 4. Every person who shall directly or indirectly, by himself or any other person on his behalf, make use of or threaten to make use of any force, violence or restraint or inflict or threaten to inflict, by himself or by any other person, any damage, harm or loss upon or

against any person, in order to induce or compel such person to vote or refrain from voting at any election, or who shall, by abduction, duress, or any fraudulent device or contrivance, impede and prevent the free exercise of the franchise of any election, or shall thereby compel, induce or prevail upon any elector, either to give or refrain from giving his vote to any election, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than three months.

Personation — Definition.

SEC. 5. A person shall, for all purposes of this act, be deemed guilty of the offense of personation who at any election held pursuant to the laws of the state, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any election applies at the same election for a ballot paper in his own name or any other name; for his own use and any person who commits the offense of personation, or who aids, abets, counsels or procures the commission of that offense, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not more than five years.

Limit of contribution.

SEC. 6. No candidate for congress or for any public office in this state, or in any county, district or municipality thereof which office is to be filled by popular election, shall by himself or by, or through any agent or agents, committee or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute or expend any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons; or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure in excess of a sum to be determined upon the following basis, namely: For five thousand voters or less, two hundred and fifty dollars; for each one hundred voters over five thousand and ununder twenty-five thousand, two dollars; for each one hundred voters over twenty-five thousand and under fifty thousand, one dollar; and for each one hundred voters over fifty thousand, fifty cents—the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment contribution, or expenditure or promise, agreement, or offer to pay, contribute or expend any

money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

Affidavit of moneys paid or promised.

SEC. 7. Every person who shall be a candidate before any caucus or convention, or at any primary election, or at any election for any state, county, city, township, district or municipal office, or for senator or representative in the legislature of Minnesota, or for senator or representative in the congress of the United States, shall within thirty days after the election held to fill such office or place, make out and file with the officers empowered by law to issue the certificate of election to such office or place and a duplicate thereof with the county auditors for the county in which such candidate resides a statement in writing, which statement shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money contributed, disbursed, expended or promised by him and to the best of his knowledge and belief by any other person or persons in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when and the persons to whom and the purpose for which all such sums were paid, expended, or promised.

Such statement shall also set forth that the same is as full and explicit as affiant is able to make it.

No officer authorized by law to issue a commission or certificate of election shall issue a commission or certificate of election to any such person until such statement shall have been so made, verified and filed by such persons with said officer.

Penalty for failing to make affidavit.

SEC. 8. Any person failing to comply with the provisions of the seventh section of this act shall be liable to a fine not exceeding one thousand dollars, to be recovered in an action brought in the name of the state by the attorney general, or by the prosecuting attorney of the county of the candidate's residence—the amount of said fine to be fixed within the above limit by the court, and to be paid into the school fund of said county; and in default of payment of such fine he may be committed to the county jail until such fine is paid not to exceed six months.

Affidavit a prerequisite to holding office.

SEC. 9. No person shall enter upon the duties of any elective office until he shall have filed the statement provided for in section seven of this act nor shall he receive any salary or any emolument for any period prior to the filing of the same.

Vacancy by reason of corruption.

SEC. 10. At any time during the term of office of any public officer elected under the laws of this state, or under the charter of any city therein, the person who received the next highest number of votes for such office at the election at which such public officer was elected, as shown by the official count, may present an application in writing, and verified by his affidavit, to the attorney general, setting forth one or more of the following charges against such public officer, to-wit:

Next highest number of votes.

That at the election at which such public officer was elected, the total amount expended, contributed or incurred by such officer exceeded the sum allowed by section six of this act for such candidate, or that the votes were secured by him or his agent or agents, or with his consent or connivance, or with the consent or connivance of his agent or agents, by some committee or organization or some political party, of which party such public officer was a nominee, or by which he was supported, or the agent or agents of some such committee or organization, by paying, contributing, offering or promising to contribute money or other valuable thing as a compensation or reward, or by some promise or influence, by giving such vote or votes, or that votes were withheld from such applicant by reason of such practices by or on behalf of such officer, agent, committee or organization, or by reason of some act on behalf of such officer declared by this act to be unlawful; and further setting forth that the applicant desires said attorney general to bring an action to have such public office declared vacant on account of said violation of the laws concerning elections.

Such application shall be accompanied by a bond to the state of Minnesota in the penalty of one thousand dollars, subscribed by two sureties, who shall justify as freeholders of the state, and in double the amount of such penalty exclusive of all their debts and liabilities, and property exempt by law from levy and sale under execution, such bond to be conditioned for the payment to the state of all taxable costs and disbursements for which it may become liable for or on account of such action.

Attorney general—duty.

SEC. 11. It shall be the duty of the attorney general, within ten days after the receipt of such application and bond, to begin action against such public officer, or to instruct the prosecuting attorney of the county in which such public officer resides, to bring such action within ten days after such notice, to have said office declared vacant, and for such other or further relief appropriate in an action against the usurper of any office or franchise.

money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

Affidavit of moneys paid or promised.

SEC. 7. Every person who shall be a candidate before any caucus or convention, or at any primary election, or at any election for any state, county, city, township, district or municipal office, or for senator or representative in the legislature of Minnesota, or for senator or representative in the congress of the United States, shall within thirty days after the election held to fill such office or place, make out and file with the officers empowered by law to issue the certificate of election to such office or place and a duplicate thereof with the county auditors for the county in which such candidate resides a statement in writing, which statement shall be subscribed and sworn to by such candidate before an officer authorized to administer oaths, setting forth in detail all sums of money contributed, disbursed, expended or promised by him and to the best of his knowledge and belief by any other person or persons in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other persons at said election, and showing the dates when and the persons to whom and the purpose for which all such sums were paid, expended, or promised.

Such statement shall also set forth that the same is as full and explicit as affiant is able to make it.

No officer authorized by law to issue a commission or certificate of election shall issue a commission or certificate of election to any such person until such statement shall have been so made, verified and filed by such persons with said officer.

Penalty for failing to make affidavit.

SEC. 8. Any person failing to comply with the provisions of the seventh section of this act shall be liable to a fine not exceeding one thousand dollars, to be recovered in an action brought in the name of the state by the attorney general, or by the prosecuting attorney of the county of the candidate's residence—the amount of said fine to be fixed within the above limit by the court, and to be paid into the school fund of said county; and in default of payment of such fine he may be committed to the county jail until such fine is paid not to exceed six months.

Affidavit a prerequisite to holding office.

SEC. 9. No person shall enter upon the duties of any elective office until he shall have filed the statement provided for in section seven of this act nor shall he receive any salary or any emolument for any period prior to the filing of the same.

Vacancy by reason of corruption.

SEC. 10. At any time during the term of office of any public officer elected under the laws of this state, or under the charter of any city therein, the person who received the next highest number of votes for such office at the election at which such public officer was elected, as shown by the official count, may present an application in writing, and verified by his affidavit, to the attorney general, setting forth one or more of the following charges against such public officer, to-wit:

Next highest number of votes.

That at the election at which such public officer was elected, the total amount expended, contributed or incurred by such officer exceeded the sum allowed by section six of this act for such candidate, or that the votes were secured by him or his agent or agents, or with his consent or connivance, or with the consent or connivance of his agent or agents, by some committee or organization or some political party, of which party such public officer was a nominee, or by which he was supported, or the agent or agents of some such committee or organization, by paying, contributing, offering or promising to contribute money or other valuable thing as a compensation or reward, or by some promise or influence, by giving such vote or votes, or that votes were withheld from such applicant by reason of such practices by or on behalf of such officer, agent, committee or organization, or by reason of some act on behalf of such officer declared by this act to be unlawful; and further setting forth that the applicant desires said attorney general to bring an action to have such public office declared vacant on account of said violation of the laws concerning elections.

Such application shall be accompanied by a bond to the state of Minnesota in the penalty of one thousand dollars, subscribed by two sureties, who shall justify as freeholders of the state, and in double the amount of such penalty exclusive of all their debts and liabilities, and property exempt by law from levy and sale under execution, such bond to be conditioned for the payment to the state of all taxable costs and disbursements for which it may become liable for or on account of such action.

Attorney general—duty.

SEC. 11. It shall be the duty of the attorney general, within ten days after the receipt of such application and bond, to begin action against such public officer, or to instruct the prosecuting attorney of the county in which such public officer resides, to bring such action within ten days after such notice, to have said office declared vacant, and for such other or further relief appropriate in an action against the usurper of any office or franchise.

bursed or expended shall have passed through the hands of the treasurer of such political committee.

Duties of treasurer.

SEC. 18. Every treasurer of a political committee, and every person who shall at any time act as such treasurer, shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in section 16 of this act, immediately enter and thereafter keep, in a proper book or books to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received or disbursed by him, setting forth in such statement the sum so received or disbursed, as the case may be, and the date when and the person from whom received, or to whom paid, as the case may be, and the object and purpose for which such sum was received or disbursed.

Treasurer's account to be filed with county auditor

SEC. 19. Every treasurer of a political committee, as defined in this act and every person who shall act as such treasurer, shall, within thirty days after each and every election, whether state, county, city, municipal, township or district election, in or concerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in section 16 of this act, prepare and file in the office of the county auditor of the county in which such treasurer resides, a full, true and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in section 16 of this act, within the period beginning ninety days before such election, and ending on the day on which such statement is filed, the date of each receipt and each disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was received, and the object or purpose for which disbursed.

Such statements shall also set forth, the unpaid debts and obligations, if any, of such committee, with the nature and amount of each, and to whom owing, in detail, and if there are no unpaid debts or obligations of such committee, such statement shall state such fact.

Duty of county auditor.

SEC. 20. Every county auditor shall receive and file in his office and there keep, as a part of the records thereof, for four years after they are filed, all statements and accounts required by this act to be filed with him.

Such statements and accounts, shall, at all reasonable times, be open to public inspection.

After four years succeeding the filing of such state-

ments, they shall be destroyed by such officer or his successor.

Copies of such statements, certified by such officer under the seal of his office, of any such statement or statements, and any copy so certified, shall be admitted in evidence in all courts, with like force and effect as the original would have if produced.

Penalty for dereliction by treasurer of political committee.

SEC. 21. Every treasurer of a political committee, as defined in this act, who shall willfully fail, neglect or refuse to make out, verify and file with the county auditors the statement required bysection 19 of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or by imprisonment not more than three months.

Other penalties

SEC. 22. Every treasurer of a political committee, and every person who shall receive any money to be applied to any of the purposes mentioned in section 16 of this act who shall either:

First—Neglect or fail to keep a correct book or books of account, setting forth all the details required to be set forth in the account and statement contemplated in sections 18 and 19 of this act, (except that the book or books need not be subscribed or sworn to), with intent to conceal the receipt or disbursement of any such sum received or disbursed by him, or by any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer of committee, or the nature or amount thereof, or to whom owing, in detail; or

Second—Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed by such book or books; or

Third—Fail to file the statement and account contemplated by said section 19 within five days after he shall receive notice, in writing, signed by five residents freeholders of the county in which such treasurer or political committee or person resides, requesting him to file statement and account, shall be guilty of a misdemeanor, and on conviction, shall be imprisoned in the county jail for not more than three months, or shall be fined not more than one hundred dollars.

Penalties—generally.

SEC. 23. Any willful violation of any of the provisions of this act, the penalty for which is not herein specifically provided for, shall be deemed a misdemeanor and shall be punished as such.

SEC. 24. All acts or parts of act inconsistent with this act are hereby repealed.

Application.

SEC. 25. This act shall not apply to village, township or school district elections.

SEC. 26. This act shall take effect and be in force from and after its passage.

Approved April 26th 1895.

S. F. No. 624.

CHAPTER 278.

Counties.

An act to authorize counties to procure title to lands for public purposes, to improve the same by the preservation or cultivation of timber thereon, and to establish or aid in establishing public parks.

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Be it enacted by the Legislature of the state of Minnesota:

Procuring lands for public purposes.

SECTION 1. It shall be lawful for the board of county commissioners of any county in this state, whenever in the judgment of said board the present or future public interests of said county would be promoted thereby, to procure and receive by gift or by purchase, the title to any lands in said county, not exceeding an amount reasonably necessary for public purposes and they may improve and beautify the same by the preservation or cultivation of timber thereon or otherwise and hold the same as the public property of said county, as a site for any public building or other public purpose; and said board may set apart and improve the whole or any part thereof temporarily or permanently as a public park; and said board may at any time, if the public interests require, sell and convey any such lands on such terms as may in the judgment of said board be advantageous, whether the same was acquired by gift purchase or otherwise.

How paid.

SEC. 2. For the purpose of acquiring the title to any such lands acquired in whole or in part by purchase, the said board of county commissioners is hereby authorized to pay the purchase price thereof out of any moneys in the county treasury not otherwise appropriated, or to issue therefor the warrants or bonds of said county in payment therefor in a sum not in excess of the reasonable value of said lands or parts of such lands so purchased, and may fix the time and terms of payment of said warrants or bonds, and what interest if any they shall bear, according to the terms of purchase agreed upon.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 279.

S. F. No. 666.

An act legalizing certain county bonds.

County bonds.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The legality of any bond heretofore issued and sold by any county in Minnesota shall not be questioned in any court of this state because the records of the commissioners of such county do not show that the issue and sale of such bond was authorized by such commissioners; *provided* it can be shown, that the issue of such bond was authorized by a valid law of this state, and, where required, by a vote of the electors of the proper county; that such bond was made for a term of years, at a rate of interest and was sold for a price, permitted by law; and that the proceeds from its sale were paid into the treasury of the proper county.

Healing act.

SEC. 2. Nothing in this act shall be construed to affect any action now pending.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 280.

S. F. No. 300.

An act relating to the duties and compensation of the county surveyor and the number and compensation of his deputies, in counties which have a population of two hundred thousand or over.

County surveyors.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That in every county in this state that has two hundred thousand inhabitants or over, the county surveyors shall receive from such county, a salary of two thousand dollars per annum, for all the services performed by him for the county for which he is elected.

Such county surveyor may appoint a deputy surveyor, a draughtsman, and two chain-men who shall receive such compensation from such county, as may be ordered by the board of county commissioners.

May appoint deputies.

Such deputy shall take the same oath of office, and shall file the same bond as is now required to be filed by the county surveyor, and shall be eligible to do and

Compensation.

perform all the acts that can be done and performed by such county surveyor by virtue of his said office.

Provided however, that on application of the county surveyor the board of county commissioners may allow such surveyor to appoint additional help and assistance and provide for the payment thereof, for such time as said board shall deem necessary.

Duties.

SEC. 2. The duties of such county surveyor and deputy and draughtsman shall be to make all surveys and plats and descriptions or maps thereof, and all other charts or drawings that shall be required to be made by the board of county commissioners for such counties, and shall attend at the meetings of said board when requested by the members thereof.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 11th, 1895.

S. F. No. 301.

CHAPTER 281.

County officers

An act to fix the amount of bonds to be given by the clerk of court and sheriff in counties which have a population of two hundred thousand inhabitants or over.

Be it enacted by the Legislature of the state of Minnesota:

Bonds of sheriff and clerk of courts.

SECTION 1. That in all counties in this state which have two hundred thousand inhabitants or over, the amount of the official bonds required to be given by the clerk of the district court and sheriff, shall be twenty-five thousand dollars for each of said officers.

Said bonds shall be in all other respects the same as is now required to be given by said officers.

SEC. 2. This act shall take effect and be in force from and after the first Monday in January eighteen hundred and ninety-seven.

Approved April 11th 1895.

CHAPTER 282.

H. F. No. 693.

An act to authorize counties to employ attorneys in certain cases and validating the action of county commissioners, where attorneys have already been employed in such cases.

County litigation.

Be it enacted by the Legislature of the state of Minnesota:

Commissioners may employ attorney.

SECTION 1. That in any suit or proceeding where any county is a party the board of county commissioners may, when they deem it for the interests of the county so to do, employ the services of any attorney at law to assist the county attorney or to appear for the county and protect its interests therein, or to advise the county commissioners in relation thereto, and pay for such services out of the county funds.

Confirmation clause.

SEC. 2. That in all cases where the board of county commissioners of any county have, heretofore, by resolution of the board duly adopted employed the services of any attorney at law to assist the county attorney or to appear for the county and protect its interests in any suit or proceeding, where the county was a party, or was interested in the event thereof, all their acts in relation to said matter are hereby declared valid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

CHAPTER 283.

H. F. No. 41.

An act to provide for the appointment of a person to act as clerk of the district court during the insanity of any such clerk.

Proxy for insane clerk of courts.

Be it enacted by the Legislature of the state of Minnesota:

District judge may appoint.

SECTION 1. Whenever the clerk of the district court of any county in the state has been heretofore or shall be hereafter duly adjudged insane in any probate court of this state, it shall be competent for the judge of the district court of such county to appoint, and such district judge shall appoint, a competent person in his stead, who shall act as clerk until such clerk shall be, by a court of competent jurisdiction, duly declared recovered from such insanity and sane, which appointment shall be made in the same manner as provided in

proceeds thereof may be used and expended for any of said purposes in the manner and at the times determined by said board.

Terms of issue.

SEC. 2. The said bonds shall be issued in denominations of one thousand (1,000) dollars each, with interest coupons, and may bear interest at any rate not exceeding five (5) per cent per annum payable semi-annually, and the principal shall be payable at such time or times, not exceeding twenty (20) years after the date said bonds, as said board of county commissioners may by resolution determine. The said board of county commissioners are hereby authorized and empowered, and it is hereby made its duty, to levy a tax from time to time upon the taxable property of said county, sufficient to meet the interest coupons and principal of said bonds as they shall become due, and until the payment of said interest and principal is fully provided for.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 16th, 1895.

H. F. No. 547.

CHAPTER 287.

County road and bridge fund.

An act to provide for a county road and bridge fund.

Be it enacted by the Legislature of the state of Minnesota:

The general road and bridge fund.

SECTION 1. There shall be established or provided by the county commissioners of each county, a fund for the construction, maintenance and repair of roads and bridges in such county, to be known as "The General Road and Bridge Fund," upon which fund shall be drawn all warrants for the construction, repair and maintenance of all county or town roads and bridges in any county that may by the county commissioners of such county be from time to time determined, *provided* that the county commissioners shall not appropriate in any one year more than three hundred dollars ($300) for the construction, maintenance or repair of any one town road or bridge in any one township.

95 c 287 § 1
07 - 361

How maintained.

SEC. 2. The county commissioners of every county may annually at the time of their meeting in July, include in the tax levy for such county, taxes not exceeding one mill on the dollar of the taxable valuation of such county for the benefit of the road and bridge fund of such county, and the taxes so levied and collected shall contitute a fund for the construction, maintenance and repair of such county and town roads and bridges

in such county or any town thereof as said county commissioners shall by resolution adopted and entered in their minutes, which taxes may be in addition to the amount permitted to be levied for county purposes.

How expended.

SEC. 3. Such fund shall be expended by the county commissioners severally in the construction, maintenance and repair of county or town roads and bridges in such county as now provided by law.

95 c 287 § 3
07 - 361

SEC. 4. All acts or parts of act inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 288.

S. F. No. 500.

An act authorizing boards of county commissioners, in certain cases, to allow county treasurers and auditors compensation for clerk hire.

Clerk hire for county officers.

Be it enacted by the Legislature of the state of Minnesota:

When allowed.

SECTION 1. That in all counties whose treasurers and auditors are allowed no compensation for clerk hire, and who receive salaries under special laws, not exceeding thirteen hundred dollars, each, per annum, the board of county commissioners are hereby authorized, if in their judgment clerk help is necessary or proper, to allow to each of such officers, as compensation for clerk hire, annually, a sum not exceeding three hundred dollars.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

S. F. No. 210.

Ch. 11-1897 Vide Chap 4 97- infra

CHAPTER 289.

Bonds for county roads.

An act to authorize boards of county commissioners to issue bonds for the construction of roads and bridges.

95 C 289
74-M - 28
75-M - 457
78-NW 115

Be it enacted by the Legislature of the state of Minnesota:

When and to what extent issued.

SECTION 1. The county commissioners of any county in this state are hereby authorized and empowered to issue the bonds of their county to an amount not to exceed one per cent (1%) of the assessed valuation of the county for the purpose of constructing free wagon roads and bridges wherever such road or bridge may be deemed necessary.

Provided, that no bonds shall be issued under this act until the question of issuing such bonds for the construction of such roads or bridges shall have been first submitted to a vote of the people of the county in which said road or bridge is proposed to be constructed.

Must be noted.

SEC. 2. If a majority of the electors present and voting at any election at which the question of issuing such bonds has been submitted shall vote in favor of issuing such bonds the board of county commissioners of such county shall thereupon issue the same.

When and how submitted.

SEC. 3. The question of issuing bonds as herein provided may be submitted to the voters of any county at any general or special election.

All elections provided for in this act may be called by a resolution in writing of the board of county commissioners, passed by a majority vote, which resolution shall distinctly state the purpose and the time of the election.

Upon the passage of such resolution the county auditor shall notify each town, city and village clerk in his county that the question of issuing bonds for constructing of a road or bridge shall be voted upon at the time stated in the resolution.

Such election to be called, governed and controlled by the existing election laws.

The ballots to be used at such election shall have printed or written, or partly written and partly printed on them the following words:

For issue of bonds for bridge, "Yes" or;

For issue of bonds for bridge (or road as the case may be) "No."

And such vote shall be cast in the manner as votes are cast for town and city officers, and shall be canvassed by the same officers.

Terms of bonds

SEC. 4. All bonds issued under this act shall by their terms become payable within twenty (20) years from the date of issue, shall bear interest at a rate not to exceed six per cent (6%) per annum, and all bonds issued under this act shall not be negotiated for less than par value of the same.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

CHAPTER 290.

S. F. No. 335.

Counties re funding bonds.

An act to authorize the board of county commissioners of the several counties of the state of Minnesota, to issue bonds to fund the floating indebtedness of said counties, and to levy taxes for the payment thereof.

Be it enacted by the Legislature of the state of Minnesota:

When and for what issued.

SECTION 1. The board of county commissioners of the several counties of the state of Minnesota are hereby authorized and empowered to issue at any time, prior to the first (1st) day of January in the year of our Lord one thousand eight hundred and ninety-six (1896), the bonds of said county for such an amount as may be necessary with interest coupons attached, for the purpose of funding the floating indebtedness existing on the first day of April, 1895, of said counties which bonds and the proceeds thereof shall be used for no other purpose.

Terms of bonds

SEC. 2. The said bonds shall be in such sums as the board of county commissioners shall determine, and shall bear interest at rate not exceeding six per cent per annum, payable annually.

The principal shall become due and payable at such time or times as the said board of county commissioners may by resolution determine, not less than five (5) or more than twenty (20) years from the date of issue of said bonds respectively.

How executed.

SEC. 3. The bonds and interest coupons attached, under the provisions of this act, shall be signed by the chairman of the board of county commissioners, and attested by the auditor and sealed with his official seal, and made payable at the office of the county treasurer of the said county.

Record. The auditor shall keep a record of all bonds issued under the provision of this act, which record shall show the date, number and amount of each bond; the rate of interest, the time when due, the place where payable, and the name of the party to whom issued.

Tax. SEC. 4. The board of county commissioners shall annually after the date of issuance of said bonds, levy a tax upon the taxable property of said county, in addition to all other taxes levied, sufficient to pay the interest accruing yearly upon the bonds issued in pursuance of this act, and when any of the principal is about to become due, they shall in like manner levy a sufficient amount of taxes to pay such principal when due.

Negotiating. SEC. 5. The board of county commissioners shall have authority to negotiate said bonds, but for not less than their par value.

SEC. 6. This act shall apply to unorganized counties as well as to organized counties.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 304.

CHAPTER 291.

Salaries of county officers. *An act relating relating to the salaries of county auditor and treasurer, and the number and salaries of their deputies in counties that have two hundred thousand inhabitants and over.*

Be it enacted by the Legislature of the state of Minnesota:

County auditor SECTION 1. The salary of the county auditor in all counties in this state that have two hundred thousand inhabitants or over, shall be five thousand dollars per annum.

County treasurer. SEC. 2. The salary of the county treasurer in all counties in this state that have two hundred thousand inhabitants or over, shall be five thousand dollars per annum.

Fees. SEC. 3. The above named salaries shall be in full compensation for all services rendered by the above named respective officers in their official capacity.

The fees charged for services if any, shall remain as the present except as herein provided.

Clerks and deputies. SEC. 4. The said several officers shall employ sufficient help and assistants to properly discharge the duties of their respective offices.

The number of deputies, clerks or other employes in the offices of county auditor and county treasurer, and the compensation paid to each shall at all times be under the control of the county commissioners of said county, who may make such changes in numbers and compensation as they may deem just and right.

Statements to be filed.

SEC. 5. On the first Monday of each month following the commencement of his term of office, each of the above named county auditor and county treasurer shall file with the county auditor a full and detailed statement of all business done in his office where fees have been paid, the amount of fees received by him if any, in the business of his office and from whom received, and the amount of fees if any, due and unpaid for the preceding month.

Said officers shall also in said statement give the name of every employe in their offices, and the amount paid to each for services with the general nature of the services.

Such statement shall be verified by the oath of the party signing the same to the effect that the same is in all respects just and true, and that the payments therein stated have been absolutely and unconditionally paid to the persons named, without rebate, discount or refunding in any manner directly or indirectly any part of the same.

Any intentional false statement in such affidavit shall subject the maker to the pains and penalties of perjury.

All fees received in each of said offices, if any, shall be paid over to the county treasurer on the first Monday of each month.

1897 ch 8

SEC. 6. All acts or parts of acts which conflict with any of the foregoing provisions are hereby repealed.

SEC. 7. This act shall take effect and be in force on and after the first Monday in January, one thousand eight hundred and ninety-seven.

Approved April 17th 1895.

H. F. No. 747.

CHAPTER 292.

Counties of more than 40,000, less than 100,000.

An act to determine the salaries of county treasurers and county auditors in counties of this state, having a population of more than forty thousand (40,000), and less than one hundred thousand (100,000), and to determine the amount to be appropriated for clerk hire in the offices of such treasurers and auditors by the county commissioners of such counties.

Be it enacted by the Legislature of the state of Minnesota:

Salary of county treasurer.

SECTION 1. In each county of this state having a population of more than forty thousand (40,000) and less than one hundred thousand (100,000) the county treasurer thereof shall receive as annual compensation for his services as such treasurer the sum of three thousand (3,000) dollars to be paid in the manner and at the times provided by the laws of this state relating to the compensation of county treasurers, and the county auditor of such county shall receive as annual compensation for his services as such auditor the sum of three thousand five hundred dollars (3,500) dollars, to be paid in the manner and at the times provided by the laws of this state relating to the compensation of county auditors.

Salary of county auditor

Clerk hire.

SEC. 2. The board of county commissioners of each such county is hereby authorized to appropriate out of the general funds of said county for paying clerk hire in the office of such county treasurer such sum as they shall deem expedient not exceeding the sum of six thousand ($6,000) dollars per annum, and such board is also hereby authorized to appropriate out of the general funds of such county for paying clerk hire in the office of such county auditor, such sum as they shall deem expedient not exceeding the sum of eleven thousand ($11,000) dollars for the year A. D. eighteen hundred and ninety-five (1895), and twelve thousand ($12,000) dollars per annum for each year thereafter.

Last U. S. census—basis.

SEC. 3. In determining at any time to what counties this act shall apply reference shall be had to the United States census then last taken and the population of any county as ascertained thereby shall govern.

Laws repealed.

SEC. 4. Chapter three hundred and forty-nine (349) of the special laws of the State of Minnesota for the year one thousand eight hundred and eighty-nine (1889), and chapter four hundred and forty-four (444) of the special laws of said state for the year one thousand eight hundred and ninety-one (1891) are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 16th 1895.

CHAPTER 293.

S. F. No. 144.

An act authorizing the county commissioners and treasurer of any county to audit, allow and pay to parties entitled thereto moneys heretofore and hereafter paid into the county treasury on assessments in certain cases for the construction of any ditch, drain or water course attempted to be constructed under chapter 97 of the General Laws of 1887.

Counties.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Whenever and wherever in pursuance of the filing of a petition as provided in chapter ninety-seven of the general laws of the State of Minnesota for eighteen hundred and eighty-seven, and acts supplemental thereto, the board of county commissioners of any county in attempted compliance with said act and acts supplemental thereto, shall have determined or shall hereafter determine that the construction of any ditch, drain or water course will be of public benefit or utility or conductive to the public health, convenience or welfare, and shall have caused or shall hereafter cause to be constructed any such ditch, drain or water course and an assessment to be made therefor, and which assessment shall have been declared void and set aside or shall be hereafter declared void and set aside by any court of competent jurisdiction for non-compliance with the provisions of said act or acts supplemental thereto, the county commissioners of the county in which such ditch, drain or water course shall have been, or shall be constructed, shall on the duly verified claim being presented to them by any person, party or corporation who has paid into the county treasury the amount assessed against any piece or parcel of land or any public road, roadbed or railroad before said assessment shall have been so declared void or set aside and whose lands have been reassessed for benefits pursuant to the provisions of chapter one hundred and fifty-two, General Laws of eighteen hundred and ninety-three, and on satisfactory proof being made to them as such board of county commissioners, that said money was paid in and on void assessment

Moneys paid in on void ditch assessments to be repaid.

or assessment set aside, whether heretofore or hereafter paid, shall audit and allow to the parties entitled thereto the amount in money so paid into the county treasury of said assessment set aside or declared void, and a warrant shall be drawn therefor signed by the chairman of the board of county commissioners and attested by the county auditor in favor of the party entitled to the same to and on the county treasurer of said county, and which shall be due and payable on presentation to the county treasurer out of the general county revenue fund of said county forthwith.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1895.

S. F. No. 475.

CHAPTER 294.

Counties.

An act authorizing the board of county commissioners in certain cases to appoint a supervisor of assessments, and to define his duties.

Be it enacted by the Legislature of the state of Minnesota:

Supervisor of assessments.

SECTION 1. The board of county commissioners of any county in this state, not having a county assessor, when they shall deem it for the best interest of their county to do so may appoint a resident voter of their county to act as a supervisor of assessments therein.

Oath—bond.

SEC. 2. Such person so appointed shall, before entering upon the duties of the office of supervisor of assessments, which office is hereby created, take and subscribe an oath of office such as is now required to be taken by a county officer, and if required to do so give a bond running to the board of county commissioners in such sum as they shall direct for the faithful and impartial discharge of the duties of his office.

Duties.

SEC. 3. Such supervisor of assessments shall have a general supervision of assessments made in the county, such as the board of county commissioners shall direct. He shall personally examine such tracts of real estate situated in the county, as he may be directed to by the board of county commissioners, and give an accurate topographical description of each government subdivision that he shall examine. He shall estimate and set down in connection with each piece or parcel of land so examined by him, what he believes at the time to be its true value in money.

Report.

SEC. 4. On the completion of all or a portion of said work as he may be required to do by the board of county commissioners, he shall submit a written report to them of what he has done under their direction; which report the board of county commissioners shall carefully examine and if they believe it is substantially correct they shall cause it to be entered in their record book, make an order approving the same; and which report shall be filed by the county auditor and remain in his office. The list of lands so made and filed in the county auditor's office shall be used as a guide and basis for making further assessments upon such lands as are contained therein, and the value to the lands described therein as fixed by the supervisor of assessments shall be taken by the town assessors to be the true value of all such lands as they do not personally examine. The county board of equalization shall consult such report and estimate of the supervisor of assessments when equalizing the real estate assessment of the county.

Assessments.

SEC. 5. If deemed necessary to complete the examination of the lands directed to be made by the supervisor of assessments in due time he may employ one or more assistants who shall be acceptable to the board of county commissioners.

Re-examination.

SEC. 6. The board of county commissioners when from any cause they believe any lands have become more or less valuable since they were examined by the supervisor of assessments, may order him to re-examine such lands and make a report to them of his doings with regard to them as provided in this act making the first examination. And the action taken by the county auditor, county commissioners and town assessors, with regard to the lands that have been re-examined, shall be the same as is required to be taken after his original examination.

Compensation.

SEC. 7. The supervisor of assessments shall perform any service, appertaining to assessment of the property of the county that the board of county commissioners may deem necessary to be done. And for any of his, or his assistants' services done under their direction they shall pay him and them such compensation out of the general revenue fund of the county as they shall deem just, and they may annul his or their appointment at pleasure.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 431.

CHAPTER 295.

Bonds of public officers.

An act to provide for the discharge of sureties upon the bonds of public officers, recognizances, stipulations, obligations and undertakings.

95 C 295
77-M - 402
78-M - 232

Be it enacted by the Legislature of the state of Minnesota:

Discharging sureties.

SECTION 1. That from and after the passage of this act the surety or sureties or the representative of any surety upon the bond of any public officer, corporation, person committee, guardian, assignee, receiver, executor or administrator who is by law municipal or otherwise, or by the rules or regulations of any board, body, or organization or officer, municipal or otherwise required or permitted to be made, given, tendered or filed for the security of the state, county township city village municipality or any department thereof, guaranteeing the faithful performance of duty, the safe keeping of funds or the fulfilling of any agreement or contract, on behalf of such officer, corporation or person or the protection of the state, county, township, city, village, person, persons, corporation, municipality or any department thereof, or any other organization whatever, conditioned for the doing or not doing of anything in such bond, recognizance, obligation, stipulation or undertaking specified therein, may upon application duly verified stating the reasons therefor to the governor of the state, head of any department court judge, public officers, state, county, town or municipality and any and all boards, judges and municipalities now or hereafter required or permitted to accept or approve of the sufficiency of any such bond, recognizance obligation, stipulation, or undertaking having jurisdiction or the approval or acceptance of such surety, be discharged from further liability as such surety, said governor of the state, head of any department court, judge, public officer, state, county, town or municipality and any and all boards, judges and municipalities now or hereafter required or permitted to accept or approve of the sufficiency of any such bonds, recognizances, obligations, stipulations or undertakings shall by order reciting such application require such public officer, corporation, person, committee guardian, assignee, receiver, executor or administrator or other officer, municipal or otherwise, to furnish a new and satisfactory bond, within thirty (30) days after personal service of such order. Compliance with such order shall operate to discharge such surety from liability for any subse-

quent act or omission of such officer, corporation or person, and an order shall be thereupon made to that effect, and in such case the surety so exonerated may enforce an accounting before the governor, head of any department, court or other proper authority of such officer, corporation or person concerning all prior acts the doing for which said surety under the said bond may in any manner be responsible or liable. If any such officer corporation or party upon being ordered to furnish a new bond as aforesaid shall fail to comply therewith he shall be removed, and be compelled to render and settle his accounts as soon as practicable.

And thereupon the vacancy for the unexpired part of the term of such officer, corporation or party shall be filled in the same manner as is now provided by law in case of death, resignation or removal for cause.

Provided further, that nothing herein contained shall operate to discharge or limit the liability of any surety upon any such bond, undertaking or obligation until a new bond is given and approved by the proper authorities or a successor to such officer has been duly appointed and qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 296.

H. F. No. 326.

An act to fix the fees which shall be charged and collected in the office of the clerk of the district court in counties having a population of not less than forty thousand (40,000) and not more than one hundred thousand (100,000).

Fees clerk district court.

95 C 296
01 - 246

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. In any county of this state having a population of not less than forty thousand (40,000) people and not more than one hundred thousand (100,000) people, the fees to be charged and collected by the clerk of the district court therein, shall be as follows, and no other or greater fees shall be charged, viz.:

Counties, 40,000 to 100,000.

In every civil action, appeal, or proceeding hereafter entered in the office of such clerk, in which no answer or demurrer is filed or issue joined, the sum of two dollars ($2.00) except as hereinafter provided. In each

List of fees.

such action, appeal or proceeding in which an answer or demurrer is filed or issue joined, four dollars ($4.00); *provided* that no such action, appeal or proceeding shall be entered in such clerk's office until the person desiring such entry shall pay to said clerk the sum of two dollars ($2.00), and when demurrer or answer is filed or issue joined, at the time of or after the entry of such action in said clerk's office, such clerk shall require an additional payment of two dollars ($2.00) before any further papers shall be filed or entries made pertaining to said action, and said payments when made, and except as herein provided, shall be in lieu of all fees and charges now prescribed by law for all services required by law to be performed by such clerks respectively to and including the entry and docketing of final judgment in any action, *provided* that the fees and charges for certifying transcripts of the minutes of any trial or of any papers on file whether to the supreme court or otherwise shall be in addition to those hereinbefore provided and shall be at the rate of five (5) cents for each folio and twenty-five (25) cents for the certificates excepting that in cases where such copies are furnished for certification by the person requiring the same such clerk shall charge and receive two and one-half (2½) cents per folio for comparing and certifying the same and twenty-five (25) cents for the certificate; *provided further*, that in actions for partition of land, or proceedings under chapter one hundred and forty-eight (148) of the general laws of eighteen hundred and eighty-one (1881), as the same is or may be amended, and in proceedings under the right of eminent domain to acquire property for public use by corporations, the court or a judge thereof, shall by order from time to time made, fix the amount of fees to be charged and collected, which may be in excess of the amounts herein before provided.

For filing and docketing transcript of judgment from another county, or from justice or municipal courts, when but one judgment debtor fifty (50) cents, and ten cents for each additional judgment debtor.

For searching the judgment docket books of his office and certifying to the existence or non-existence of judgments docketed therein, twenty-five (25) cents for the first judgment debtor so certified to in such certificate and ten (10) cents for each subsequent debtor therein.

For all services not hereinbefore provided for, the fees and charges shall be the same as now provided by law.

Last U. S. census.

SEC. 2. In determining at any time to what counties this act shall apply reference shall be had to the United States census then last taken, and the population of any county as ascertained thereby shall govern.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 15th, 1895.

See Ante Ch. 289-p 682) Ch. 11-1897

95 c 297
08 - 21

CHAPTER 297.

H. F. No. 345.

Bonding county indebtness.

An act to provide manner of bonding counties by submitting same to vote of electors for the purposes of raising moneys to fund floating indebtedness to provide poor farm, roads and bridges.

See Ante Ch 289-

Be it enacted by the Legislature of the state of Minnesota:

To be submitted to the people.

SECTION 1. Whenever the county commissioners of any county in this state shall deem it necessary and for the best interest of the inhabitants thereof to issue the bond of their county for any of the following named purposes, to-wit:

95 C 297
74-M - 28

To fund the floating indebtedness of the county, to purchase or improve poor farm or poor house or for constructing or repairing roads or bridges, such commissioners may cause to be submitted a proposition for issuing a stated amount of bonds of their county to a vote of the electors at any general or special election or the annual town meeting by serving or causing to be served upon each of the town clerks or other officers within each election precinct, whose duty it is to give notice of election or town meetings prior to the time required by law for the giving of such notices, a request signed by the chairman of the county board and attested by the county auditor and sealed with the seal of his office, which request shall specify the amount of bonds proposed to be voted for what purpose, and the rate of interest, and said notice of request shall be served personally or by enclosing copy of same in a letter directed to such officers at their place of receiving mail, and duly registering the same, that said town clerk or other officers at the time of giving notice of election or town meeting shall include in such notice the matter of submitting to the voters the question of issuing bonds, specifying therein the amount proposed to be voted for what purposes and rate of interest,

but the failure of any town clerk or other officer to give notice as hereinbefore provided shall not invaliditate such election.

Provided that in counties not organized into towns, or only partially organized into towns, such proposition may be submitted at any general election or it may be submitted at any special election called for that purpose, and the board of county commissioners of any such county not organized into towns, or only partially organized into towns may call a special election for such purpose by resolution duly adopted and fixing by said resolution the time of such special election and providing that ten (10) days' notice be given of holding such special election.

Such special election shall be conducted as provided by law for general elections.

Form of ballot. SEC. 2. In voting upon such proposition those in favor of issue of bonds shall have written or printed or partly written and partly printed on the ballots used the words "For issue of bonds" and those voting against the same the words "Against the issue of bonds" except that when said proposition is submitted to the voters at a general election there shall be, printed on the blue ballots used in said county the words "Issue of bonds" Yes,—No, and each elector voting on said proposition shall make a cross mark thus (X) in one of the two (2) spaces left for the purpose upon the margin of the ballot used as provided in section twenty-eight (28) of chapter four (4), General Laws of eighteen hundred and ninety-three (1893).

How to vote. The elector desiring to vote in favor of issuing bonds shall make a cross mark, thus (X) in the space left opposite the word "Yes" and the elector desiring to vote against the issuing of bonds shall make a cross mark, thus (X) in the space so left opposite the word "No" and no ballot shall be counted on said question except those having said cross mark (X) opposite one only of said words "Yes" "No."

Canvassing vote. That the voting shall be conducted in the same manner as provided by law for election of town officers, except in villages or cities and those shall be conducted as such village and city elections are conducted, and the vote shall be counted, returned and convassed in the manner as votes cast for county officers, and if upon such canvass it appears that a majority of all the votes cast on said proposition shall be in favor of issuing bonds, the same shall be issued in accordance with the provisions of this act, but not otherwise.

Terms of bond. SEC. 3. Bonds shall not be issued by the authority of this act, which in the aggregate shall exceed two (2)

per cent of the taxable property valuation of the county as shown by the last preceding tax list, and such bonds shall not bear interest at a rate higher than five (5) per cent per annum, nor shall bonds be made payable in such sums and at such times, as to require a tax levy of more than one (1) mill upon the dollar of taxable property in any one year, to meet the payment of principal and interest when the same comes due.

Same.

SEC. 4. The interest on said bonds shall be payable semi-annually at such place as the said board of county commissioners may direct, and the denominations of said bonds shall be in such amount and payable at such time or times as the county commissioners may direct, not less than three (3) years, nor more than twenty (20) years from date of issue.

Taxing to pay.

SEC. 5. The proper authorities of the county bonded, shall annually levy and collect, in the same manner as other county taxes are levied and collected, in addition to all other taxes, an amount sufficient to pay the interest accruing upon said bonds, and the said bonds as they shall mature.

How executed.

SEC. 6. The bonds issued under the provisions of this act shall be signed by the chairman of the board of county commissioners and countersigned by the auditor of the county, and have attached thereto the seal of the county auditor; and said bonds shall have interest coupons attached thereto which coupons shall be signed by the chairman of said board and countersigned by the auditor aforesaid, and the said auditor shall keep a record of all bonds issued under the provisions of this act, giving numbers, dates and amounts, to whom issued and when payable.

How negotiated.

SEC. 7. The said board of county commissioners shall negotiate said bonds as in their judgment shall be for the best interests of the county *provided* that said bonds shall not be negotiated for less than par value.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

S. F. No. 486. Repealed 1897 c/c 45 CHAPTER 298.

Counties.

An act providing for the enlargement of organized counties by attaching thereto and incorporating therein territory from an adjoining unorganized county or counties.

Be it enacted by the Legislature of the state of Minnesota:

Annexing territory.

SECTION 1. Any organized county may be enlarged by attaching thereto and incorporating therein adjoining territory to be detached from any adjacent unorganized county or counties, and the lines of such counties changed as hereinafter provided.

But the territory so attached to any organized county shall not exceed six hundred (600) square miles in area.

Petition.

SEC. 2. Whenever there shall be presented to the secretary of state a petition signed by not less than fifty-five (55) per cent of the actual residents and legal voters of any organized county within the state, as shown by the returns of the last preceding general election, praying that certain territory be detached from an adjoining unorganized county or counties and attached to an incorporated in such organized county, and containing an accurate description of such territory with the boundaries thereof, which said boundaries shall follow the United States survey line of townships or the center of any meandered stream or shore of any meandered lake, as may be necessary;

And also a petition of like import signed by fifty-five (55) per cent of the actual residents and legal voters of the territory proposed to be attached to said organized county, as shown by the returns of the said last preceding general election from all the voting precincts within said territory:

Which said petition shall contain therein following the facts required to be stated and to be signed by the said legal voters, an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this petition and sign the same of my own free will, and that I am an actual resident and legal voter of the township (or county) of which I in said petition represent myself to be" and each signer at the time of signing shall be sworn by some proper officer;

Then said secretary of state shall at once file said petitions and immediately notify the governor and state auditor of the receipt of the same, and they shall immediately meet and consider said petitions, and if

they be found to conform to law, they or a majority of them, shall so certify, and immediately thereupon the governor shall issue his proclamation attested by the secretary of state, setting forth the facts that such petitions have been so filed and found conformable to law and declaring the said territory described in said petitions detached from the unorganized county or counties of which it was formerly a part and attached to and incorporated within said organized county as in said petitions prayed.

Proclamation.

SEC. 3. The secretary of state shall thereupon file and record such proclamation in his office in a book to be provided for that purpose and shall cause the same to be published for two successive weeks in two of the daily newspapers published at the capital city of this state and transmit a copy thereof to the auditor of the organized county enlarged thereby, who shall cause the same to be published for four successive weeks in all the newspapers published in his county:

And a copy of said proclamation duly certified by the secretary of state shall in all cases be received as full evidence of the legal and valid incorporation of the unorganized territory detached as herein provided into the organized county so enlarged.

Commissioner districts.

SEC. 4. Upon the issuance of such proclamation by the governor declaring any territory of any unorganized county attached to and incorporated in an unorganized county as herein provided, the said territory shall thereupon become a part of said organized county and the county commissioners of said organized county shall at their next meeting apportion said territory to one or more of the commissioner districts of their county.

Duty of register of deeds.

SEC. 5. It shall be the duty of the register of deeds of any county so enlarged to transcribe and copy into the records of his office from the records of the county to which the unorganized county from which the territory has been detached is attached for record purposes, all the records in the office of the register of deeds of that county pertaining to all property which has been detached and made a part of such enlarged county, and he shall receive for such transcribing the sum of six (6) cents per folio from the enlarged county, and such records of such enlarged county when so made shall be the legal records thereof and shall have the same effect in law as though the original instruments had been recorded in such register of deeds' office of the enlarged county, and the same or certified copies thereof may be read in any court or before any tribunal as such records.

In case it shall be deemed necessary by the board of county commissioners of any county so enlarged, the county auditor of such enlarged county shall copy and transcribe from the auditor's office of the county to which the county from which the territory has been detached was attached for record purposes, all the records relating to such territory;

For such transcribing, such county auditor shall receive the sum of six (6) cents per folio from the enlarged county.

The officers of the county from which such records are to be transcribed, shall furnish the officers of such enlarged county all reasonable and proper facilities to enable them to copy and transcribe such records.

Taxes.

SEC. 6. The enlargement of any organized county as hereinbefore provided, shall not affect in any manner the collection of any unpaid tax upon any property within the territory attached thereto, levied for the current expenses of the county from which the same was detached or for township, school, road, or other local taxes, or for any special tax levied prior to the filing of the copy of the petition hereinbefore mentioned in the office of the secretary of state, as provided for in section two of this act, and all such unpaid taxes shall be collected and payment thereof enforced in the same manner and with the same effect as if the territory so attached had remained and continued a part of the county from which it was detached.

Failure in duty

SEC. 7. No refusal or failure of any county officer to do any of the acts or things herein required of him to be done, and no failure to make publication as herein required, shall affect the validity of the enlargement of any organized county under the provisions of this act.

And any officer who shall willfully neglect or refuse to perform the duties herein required of him shall be guilty of malfeasance in office and may be removed therefrom.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

CHAPTER 299.

H. F No. 459.

An act to provide for the bonding of counties to build court houses.

Court house bonds.

Be it enacted by the Legislature of the state of Minnesota:

Limit of issue.

SECTION 1. Every organized county in this state is hereby authorized to issue its bonds for the purpose of raising money to build and furnish a court house therein by conforming to the provisions of this act; *provided*, that the bond issue hereby authorized shall in no case exceed three (3) per cent of the taxable valuation of the county as shown by the last preceding assessment for the county.

Conditions of issuing.

SEC. 2. Whenever the board of county commissioners of any organized county in this state shall determine by resolution duly passed and recorded, to raise a sum of money which shall be designated in such resolution, within the limitation aforesaid, for the purpose of erecting and furnishing a court house at the county seat of such county, or when a petition setting forth that it is the desire of such petitioners that said county shall erect, and construct a court house at the county seat of such county, and setting forth the amount of money to be raised and expended in the erection and furnishing of such court house, within the limitation aforesaid, which said petition shall be signed by at least one hundred (100) legal voters, freeholders of said county, shall be filed with the county auditor of said county and addressed to the board of county commissioners of said county, it shall be the duty of such board of county commissioners, to cause the proposition expressed in such resolution, or in said petition, to be submitted to the electors of such county at the next general election to be held therein, or at such special election as said board of county commissioners shall by resolution designate.

Balloting.

SEC. 3. There shall be provided by the county commissioners of such county a suitable box at each voting precinct and polling place in said county in which all ballots cast at such election for or against such proposition shall be deposited. There shall be printed on such ballots in apt terms the substance of such proposition following which shall be printed in appropriate manner the words "Yes" and "No" on two (2) separate lines, and every person desiring to vote in favor of such proposition shall make his cross mark thus, X, opposite the word "Yes," and every person

desiring to vote against such proposition shall make such mark opposite the word "No."

The said election shall be conducted and the votes cast thereat shall be canvassed and counted and the result thereof certified in like manner as in the case of the election of the county officers.

Negotiating. SEC. 4. If a majority of the legal votes cast at such election be in favor of such proposition, the board of county commissioners may issue and negotiate the bonds of such county to the amount specified and stated in such resolution, or petition, within the limitation stated in section one (1), or so much thereof as may be necessary, for the erection and furnishing of such court house, provided that such bonds shall not be negotiated or sold for less than their par value, nor shall said bonds bear a rate of interest exceeding six (6) per cent, per annum.

Terms of bonds SEC. 5. The denominations of said bonds shall be in such amounts and shall be payable at such times not less than five (5) years, nor more than twenty (20) years from the date of their issue as the board of county commissioners shall determine by the resolution of the board. The interest thereon thall be payable semi-annually at such place as shall be fixed by resolution of the board.

How executed. SEC. 6. Said bonds shall be signed by the chairman of the board and countersigned and sealed by the auditor of the county and shall have interest coupons attached thereto, which coupons shall be signed by said chairman and countersigned by the auditor of said county, and said auditor shall keep a true and correct record of all bonds issued under the provisions of this act giving numbers, dates and amounts to whom issued and when payable.

Tax to pay bonds. SEC. 7. Said board and the proper authorities of said county shall, and they are hereby authorized and required to levy an annual tax on the taxable property of said county, over and above and in addition to all other taxes required by law to be levied sufficient to pay the interest accruing upon said bonds as it matures, and also to levy an additional tax sufficient in amount to pay the principal of said bonds at maturity, which tax shall be levied and collected in the same manner as other taxes are levied and collected.

Bids for bonds. SEC. 8. Before any such county shall be authorized to issue its bonds as herein provided, the board of county commissioners thereof shall give notice by publication for three (3) consecutive weeks in at least one weekly, or daily newspaper, printed and published in

said county and by a similar publication for the same length of time in at least one (1) weekly, or daily newspaper printed and published at the capital of the state, which said newspapers shall be designated therefor by resolution of such board of county commissioners; that said board of county commissioners will receive bids for the sale of such bonds at the time and place to be named in such notice.

Awarding sale.

SEC. 9. At the time and place named in such notice the said board of county commissioners shall open and consider the said bids, and may thereupon award the sale of such bonds to the person, company or corporation offering to negotiate the same upon terms the most advantageous for the interests of such county, and within the limitation of this act;

Provided, that the said board of county commissioners may reject any and all bids offered for the purchase of such bonds, if they deem the welfare of the county require it.

Proceeds.

SEC. 10. The moneys realized upon the sale of such bonds shall be placed in the county treasury and devoted so far as may be necessary, exclusively to the purpose to which they were issued, and the residue thereof, after the cost and expenses incident to the erection of such court house shall have been duly paid and discharged, shall be paid into the county revenue fund of such county.

Plans and specifications.

SEC. 11. Before any such court house shall be built by any such county, the board of county commissioners shall solicit detailed plans and specifications therefor from competent architects to be submitted to such board of county commissioners; *provided* that no plans and specifications shall be accepted by said board of county commissioners which shall exceed the limitation of cost herein provided, nor except upon and after at least four (4) weeks notice that such board will receive and consider such plans and specifications; which notice shall be published for at least two (2) successive weeks in at least one (1) daily, or weekly, newspaper printed and published in said county, and one (1) daily, or weekly, newspaper printed and published at the capital of said state. The board may reject all plans and specifications submitted and re-advertise for plans and specifications.

Contract.

SEC. 12. The contract for the erection and building of such court house and the building and erection thereof shall be let to the lowest responsible bidder, or bidders, for the whole, or any part thereof, and the board shall require a good and sufficient bond from any

one with whom a contract shall be made for the whole or any part of the work of construction.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

S. F. No. 701.

CHAPTER 300.

Parks and driveways.

An act to provide for the making of parkways driveways or boulevards on the shores of lakes in this state, when situated in two or more counties, and to dredge the same.

Be it enacted by the Legislature of the state of Minnesota:

Petition to district court.

SECTION 1. Whenever a petition praying that a driveway, parkway or boulevard be laid along or around the shores of any lake lying in two or more counties in this state, stating specifically the general course and distance of such driveway, parkway, or boulevard signed by at least ten legal voters and freeholders residents of said counties shall be presented to any judge of the district court of the judicial district in which any of said counties is situated, the said judge shall appoint three or more commissioners, whose duty it shall be to meet at such times and places as may be necessary and to immediately proceed to view the premises and determine whether such improvement is of public benefit and if they shall so determine they shall proceed to accurately specify the land to be taken therefor and to ascertain the amount of damages and compensation to be paid to the owners of the property which is to be taken or injured by such improvements or benefited thereby and to assess the amount of such damages and compensation less the benefits accruing to the land adjoining or through which said improvement is laid and to assess the expense of the improvement upon the lands and property to be benefited by the improvement, and in proportion to the benefits received by each parcel without regard to a cash valuation.

Commissioners —duties.

Each county in which said improvement is situate shall be represented by at least one commissioner who shall be a resident thereof.

Provided, that said commissioners and boards of county commissioners, in executing the powers vested in them by this act shall appropriate to public use no property situated and lying in front of any residence

or the property occupied in connection therewith having a frontage on White Bear Lake or on a highway running along the shore of said lake, unless the right so to do is acquired by contract and purchase and not by condemnation, and when such right is acquired by contract and purchase, the cost thereof shall not be assessed upon property abutting on said improvements, but shall be paid for out of the public treasury of the town or village requesting the purchase of said property, or by contributions voluntarily made for that purpose by people desiring the purchase of said property for public use. White Bear Lake.

SEC. 2. Public notice of the presentation of the petition mentioned in the preceding section to such district judge shall be given by publication thereof for at least thirty days in at least one of the newspapers in general circulation published at the county seat of each of the counties through which such driveway, parkway or boulevard is to pass, and there shall be one of said notices posted in each of the most public places at each county seat of such counties. Notice of petition.

SEC. 3. The said commissioners shall lay out said driveway parkway or boulevard not exceeding two hundred feet in width in accordance with the prayer of the petition, and the order of the court in the premises, if any. How laid out.

They may appoint a surveyor, and assistants to make a survey and plat of such driveway, parkway or boulevard, the compensation of such surveyor and assistants shall be such sum as may be allowed by the court after the work is performed.

SEC. 4. The commissioners appointed as herein provided shall make a report of all proceedings had by them under this act together with the statement of such assessments in detail fully describing the tracts and parcels of land to be affected and file the same with the copy of such survey and plat in the office of the clerk of the district court where such petition was filed. They shall give notice by two publications in a newspaper of general circulation published at such county seat that such survey and plat and statement or report is on file in said clerk's office and that application will be made to the court at some time therein stated in vacation or at term as may be determined by them for confirmation of said report and assessment and all parties feeling aggrieved thereby may appear and be heard thereat. Report.

At such hearing the court may confirm such report or annul the same in whole or in part and direct a new appraisal or assessment as justice may require but the Hearing.

final confirmation of such report shall be conclusive except as hereinafter provided.

Jury trial—when.

SEC. 5. Any person deeming himself aggrieved by such appraisal of such commissioners or by the assessment or benefits made by them may demand and have a jury trial in said court to determine the amount of damages to which he may be entitled for the right of way for such boulevard, driveway or parkway, over his or her land in excess of any benefits accruing thereto or as to the amount of benefits assessed against his lands on account of such improvement.

Such demand for a jury trial shall be in writing signed by the demandant his or her agent or attorney, and filed in the office of the clerk of the court in which such petition and report is filed within thirty days after the hearing before the court hereinbefore referred to on the report of such commissioners.

A failure to so file a demand for jury trial shall be deemed and regarded as a consent of the land owner to the appraisal made by the commissioners and as to all such acts their report shall be confirmed.

When any such demand for a jury trial shall be so made and filed the trial so demanded shall be had at the term of the district court next thereafter to be held in the county in which such report and petition is filed, unless continued for cause.

A copy of such notice shall also be served upon the county attorney of such county twenty days prior to the first day of such term.

Confirmation.

SEC. 6. When the amount of the damages or compensation to be paid to any one or more of the owners of the land taken for such driveway parkway or boulevard less the assessments for benefits if any, to be deducted therefrom shall have been finally determined by the proceedings under the provisions of this act, duplicate copies of such reports and confirmation thereof or order in respect thereto shall be filed in office of the register of deeds of the county in which such land is situate, and such report so far as the same constitutes an assessment upon property described therein deemed benefited beyond the amount of damages shall be a lien upon the lands therein described said commissioners shall also file a report of such assessment as finally determined on by the proceeding hereinbefore described with the county auditor of the respective counties in which said land is situated prior to the first day of January, December after such assessments are finally determined. Said auditor shall enter said sums against the property on the usual tax roll and deliver the same to the county treasurer for collection as in the case of

Recording.

Tax.

other taxes, and such sums shall be collected against such lands and paid to the county treasurer in like manner as the tax levy for any other purpose is made and collected; and the sums thereby collected shall constitute a fund to reimburse the respective counties for the damages to be paid and the cost of the improvement hereinbefore referred to.

Cost—how paid.

SEC. 7. The board of county commissioners of each county in which such land is situate which may be benefited by said improvement shall provide for the payment of and shall pay the cost of such improvement, shall cause the amount of the damages or compensation less the benefits received, if any, to be paid to any one or more of the owners of the land taken for such driveway, parkway or boulevard, each county to pay its just proportion as determined by such report with regard to the portion of such roadway, parkway or boulevard which lies in such county.

Said damages shall be paid out of the road and bridge fund of each county, which fund shall be reimbursed as the assessments of benefits are collected.

To be improved

SEC. 8. The said commissioners may as soon the amount of damages due the property owners is finally adjusted, enter upon the land taken and improve the same as a driveway, parkway or boulevard, and may also dredge the shore of the lake adjacent thereto.

Contracts—bonds.

All contracts for such improvements shall be let to the lowest responsible bidder, who shall be required to give bonds in the amount of the contract, satisfactory to the commissioners, for the faithful performance of the work and the payment of labor employed and materials furnished.

Bids.

Bids shall be advertised for by twenty days' publication therefor in one or more newspapers at the county seat of each county in which such improvement is located based on specifications accurately describing the work to be done and all particulars with regard thereto, in the form and conditions of the contract.

Said work and expenses of the same shall be paid for out of the road and bridge fund of the respective counties in proportion to the cost thereof in each county to be determined by the commissioners aforesaid, whose determination shall be final; and the county commissioners shall provide for the taxation if necessary an adequate fund to pay the contracts; said payments shall be made from time to time as provided by the contract, on estimates allowed by the commissioners in charge of said work. The commissioners appointed by the court as aforesaid shall immediately after letting the contract, make an assessment of

Estimates.

benefits on all property especially benefited by said improvement, the same to defray the cost of the improvement and expenses of assessment.

Said assessment when completed shall be duly transmitted to the county auditor of the respective counties in which the land assessed is situate and by him entered on the assessment rolls and delivered to the county treasurer of the respective counties for collection as other taxes.

The same penalty, shall be collected and the same proceedings had as for the collection of general taxes, and the property owners may put in any defense they may have when application for judgment is made for the general taxes on the roll in which the assignment is included.

When judgment is given against any property for said assessment it shall be included in the judgment for taxes for the year included in the tax roll on which said assessment appears.

If any assessment is set aside the commissioners shall reassess from time to time the pieces or parcels as to which said assessment is set aside until each piece shall have paid its proportionate share of benefit.

The benefits collected shall be placed to the credit of the road and bridge fund, to reimburse the same for the moneys paid out on the contract and for expenses.

The compensation of the commissioners shall be determined by the court and shall be paid by the respective counties in such proportions and in such sums and at such times as the court shall determine out of any money or funds in the treasury not otherwise appropriated.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 301.

S. F. No. 409.

An act authorizing and directing the county commissioners of certain counties to reduce the compensation and number of officers and other employes of such counties and regulating the same and conferring certain duties upon certain officers of such counties in connection therewith, and prescribing a penalty for violation thereof, and repealing all acts and parts of acts inconsistent therewith.

Reducing county officials and salaries.

95 C 301
71-M - 517
72-M - 126
73-M - 390
73-M - 388

Be it enacted by the Legislature of the state of Minnesota:

100,000 to 185,000 population.

SECTION 1. That in all counties of this state having, according to the then last completed state or national census, a population of not less than one hundred thousand and not over one hundred and eighty-five thousand inhabitants, it shall be the duty of the board of county commissioners thereof, in the month of December, A. D. one thousand eight hundred and ninety-six, and every five years thereafter, to fix, by resolution of such board adopted by a majority vote thereof, the monthly salary or compensation of every officer thereof, including all officers elected by popular vote, and without regard to whether their offices were established by the constitution or otherwise, or whether the same in their nature are executive, legislative, or judicial, except judges and their appointees and clerk of the district court, and by like resolution to fix the aggregate amount to be paid to the deputies, clerks, and assistants in each of said offices respectively. And in the month of December, A. D. one thousand eight hundred and ninety-eight, and every five years thereafter, it shall be the duty of said board to fix by like resolution the monthly salary or compensation of the clerk of the district court of such county, and the aggregate amount to be paid to the deputies, clerks and assistants therein.

Commissioners to fix salaries.

And such resolution shall not take effect until the first day of January after their adoption.

Maximum amounts.

SEC. 2. That there shall not be allowed or paid to any such officer, after the adoption of the resolution relating to his office, a greater monthly salary or compensation than shall equal the sum of four thousand dollars per annum, nor shall there be allowed or paid, in the aggregate, to the clerks, employes or assistants in, under or about, any of such offices in any calendar month a greater amount than nor less than three-fourths of the lowest aggregate amount which has actually been paid during the same calendar month to

such clerks, employes and assistants, or their predecessors in the same position, in the same office, at any time during the period of two years prior to the adoption of such resolution.

Provided, however, that such board may allow the county auditor such additional sum, not exceeding nine hundred dollars per annum, as in their judgment, may be just, in view of the increased duties imposed by this act.

Number of employes to be fixed.

SEC. 3. That it shall be the duty of such board, in each of said counties, at the same meeting at which such compensation is fixed, to fix by like resolution, the maximum number of persons who shall be employed in, under or about, each of said offices thereof, or who shall constitute any board thereof, during the several calendar months of each year thereafter specifically;

Provided, however, that such number shall in no case exceed nor be less than three-fourths of the lowest number actually employed in such office through the same calendar month at any one time within two years prior to the adoption of such resolution, except in the office of the county assessor.

Assessor's office.

SEC. 4. That it shall be the duty of said board at said meeting by like resolution to fix the maximum number of persons to be employed in, under or about the office of the county assessor during each calendar month thereafter in each of the odd-numbered years, and in each calendar month thereafter in each of the even-numbered years respectively.

Provided, however, that the highest number of employes allowed in, under or about said office of assessor for any calendar month of any even-numbered year thereafter shall not exceed nor be less than three-fourths of the lowest number actually employed therein through the same calendar month of any even-numbered year within two years prior to the adoption of such resolution, and that the highest number allowed therein or under or about the same during any calendar month of any odd-numbered year thereafter shall not exceed, nor be less than three-fourths of the lowest number actually employed therein through the same calendar month of any odd-numbered year within two years prior to the adoption of such resolution.

No interference within the limit.

SEC. 5. Nothing herein contained shall operate to prevent any elective officer of any such county from designating, within the limitations aforesaid and existing provisions of law, the persons who shall serve as deputies, clerks or assistants, in his office, not exceeding the number designated by such resolution nor the respective amounts to be paid to each or any of such

deputies, clerks, or assistants, within the aggregate limit allowed to his office by the terms of such resolutions as aforesaid.

Provided, that no one deputy or assistant shall receive a compensation at a rate exceeding fifteen hundred dollars per annum.

Auditor to notify officer of action of commissioner.

SEC. 6. That within five days after the adoption of such resolutions, it shall be the duty of the county auditor of such county to furnish to each of the officers of such county a certified copy thereof, or of so much thereof as affects the salary, compensation and number of employes of their respective offices, including his own, and within five days after the receipt of such resolution, or part thereof, by such officer it shall be the duty of said officer to file in the office of the county auditor of such county, a list, certified by him, of the respective deputies, clerks and assistants whose services he desires in his office for the balance of said year, together with the respective amounts to be paid to such deputies, clerks, and assistants within the number, and aggregate limit of amount allowed by said resolutions, and on or before the tenth day of January following, and annually thereafter, a like list covering the then current calendar year.

Report by officers on or before May 1.

SEC. 7. That on or before the first day of May, one thousand eight hundred and ninety-five, and of every fifth year thereafter, it shall be the duty of every officer of every such county, except the judges and their appointees and clerks of the district court, to file with the county auditor of such county a statement duly subcribed and sworn to by him, showing,

First, the number of persons employed in his office during each calender month within a period of two years prior to the date of such statement according to the records of his office.

Second, the specific amount paid to each employe in said office during each of said months last specified, and the names of the employes receiving the same, and the aggregate amount of such salaries or compensation according to such records; and no payment shall be made to any such officer or to any employe or assistant in his office after said first day of May one thousand eight hundred and ninety-five, until such statement shall be so filed; and it shall be unlawful for any such officer to collect from any person or corporation after said first day of May one thousand eight hundred and ninety-five, until such statement is so filed by him, any fees or emoluments whatsoever on or before the first day of May, A. D. one thousand eight hundred and ninety-seven, and of every fifth year thereafter, it shall be the duty of

the clerk of the district court of every such county to file with the county auditor thereof a like statement relating to his office; and it shall be unlawful for him to collect from any person or corporation after said last mentioned date until such statement is so filed by him, any fees or emoluments whatsoever.

If there are no records in the office of any such officer, showing the facts aforesaid, and he shall so state under oath to the county auditor, it shall then be the duty of the board of county commissioners to ascertain the same by the best evidence obtainable, and to that end they shall have authority to examine under oath any past or present officer or employe of said county.

Monthly reports.

SEC. 8. That on the first secular day of August next following the filing of such statement or affidavit and of each month thereafter, it shall be the duty of each county officer of any such county except judges and their appointees of the district court, to file with the county auditor a statement under his hand and seal of office, if he have one, and if not, then a statement, duly verified, by him, showing in addition to his own name and salary, the names of each of the deputies, clerks and assistants in his office who have served therein during the preceding month and the amount of compensation to which each is entitled therefor, whereupon such statements shall be filed, acted upon, allowed and the amount due thereunder, within the limits hereinbefore provided, paid, in the same manner as other employes of said county are now paid.

Changes in employes.

SEC. 9. That nothing herein contained shall operate to prevent any such officer from making any change in the personel of the assistants, clerks, or employes of his office, when in his opinion the public interest requires such change, to the same extent as now allowed by law, but in every such case it shall be the duty of such officer forthwith to file a certificate with the county auditor showing such change and when the same is to take effect whereupon the name of the person substituted shall be placed upon the roll of employes in said office in place of the person so removed, and like action shall be taken in the case of death or resignation.

Reductions.

SEC. 10. That such board, by like action, may from time to time, and as often as they deem proper, make such further reductions in the compensation or number of such officers, clerks, assistants and employes, including boards as aforesaid, or any of the same, except officers elected by popular vote, as in their opinion the public interest shall require, but they shall have no power to increase or restore any such compensation,

nor shall they have power, except by unanimous vote of the whole board after not less than one month's publication of the proposed resolution therefor, to restore for any calendar month or months, any such officers, assistants, clerks or employes previously dispensed with for such calendar month or months.

But nothing herein contained shall operate to authorize, by any vote whatsoever, an increase of the force of any office beyond the lowest limit existing therein during the same calendar month at any time during the period of two years prior to the passage of the resolution affecting such office, as aforesaid.

Counties growing in and out of this act.

SEC. 11. Whenever, according to the then last state or national census, the population of any county of this state which now has a population of less than one hundred thousand, shall acquire not less than that number, such county shall at once become subject to the provisions of this act, and whenever, according to such census the population of any county shall exceed one hundred and eighty-five thousand inhabitants, or fall under one hundred thousand inhabitants the provisions of this act, at the expiration of ninety days from the final filing of the enumeration of such county, shall no longer apply thereto.

No salaries outside of this act.

SEC. 12. That from and after the dates hereinbefore respectively provided no salary, compensation or emolument shall be paid out of any county treasury of any such county to any officer or employe thereof in any other manner than as herein provided.

Penalty for neglect.

SEC. 13. That any officer who shall willfully fail or neglect for five days to perform any of the duties by this act imposed upon him shall be, for every such offense, deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than thirty days nor more than six months, and in every prosecution hereunder evidence of the failure or neglect for the period aforesaid shall be prima facie evidence that the same was willfully done.

Repealing clause.

SEC. 14. And all acts and parts of acts, whether general or special, and whether by the terms thereof said acts provide that any act amending, affecting or repealing the same, must refer specifically to the act so to be amended, affected or repealed, in so far as such acts or parts of acts are inconsistent with any of the provisions of this act, be and the same are hereby repealed.

Present incumbents to go free.

Provided, however, nothing contained in this act shall be construed to affect or change in any manner whatsoever the salary, fees, perquisites or other com-

pensation of any officers of said counties heretofore mentioned during the terms of said respective officers, nor shall the provisions of this act apply to any of said officers until after the expiration of their present respective terms of office.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 25th 1895.

S F. No. 410.

CHAPTER 302.

County roads.

An act enabling owners of land to lay out and construct public roads, prescribing the powers and duties of county commissioners and other officers relating thereto, and providing for the drainage and repair of the roads, constructed under this act.

95 C 302
83-NW 177

Be it enacted by the Legislature of the state of Minnesota:

May build roads.

SECTION 1. That the board of county commissioners of any county in the State of Minnesota may at any session of such board cause any road to be constructed within their county wherever they shall deem such road to be of public benefit or utility.

Petition—bond

95 C 302
97-M - 402
106-NW 477
5-LRA (n s) 327

SEC. 2. That before the board of county commissioners of any county shall establish any road there shall be filed with the auditor of said county a petition, signed by the owner or owners of more than one-fourth of the land which would be liable to be assessed for the expense of the construction of the same, giving a general description of the proposed starting point, route and terminus of said road; and one (1) or more of such petitioners shall give a bond, with good and sufficient sureties, payable to the county, to be approved by the auditor, conditioned to pay all expenses in case the board of county commissioners shall fail to establish said proposed road.

Viewers—engineer.

It shall be the duty of the board of county commissioners at their first general or special meeting held after such petition shall have been filed with the auditor, to appoint one (1) of their number, together with two (2) resident freeholders of said county not interested in the construction of the proposed road and not of kin to any parties interested therein, as viewers, and also a competent civil engineer to survey said proposed line of road as herein provided.

Survey.

SEC. 3. The county auditor of said county shall thereupon issue to said viewers a certified copy of said

petition and the order appointing them as viewers, and they shall proceed, with the engineer appointed as provided in the preceding section, to make a complete survey of the line of the proposed road, and of any ditch or ditches or drains already constructed or of any water course on the line of such proposed road.

And they shall set stakes or monuments at each one hundred (100) feet on the line of such road, ditch or ditches and they shall estimate the number of cubic yards of earth to be placed on said road between each one hundred (100) foot stakes and in each case the estimated cost thereof.

They shall also specify the width on the top and at the bottom of the embankment or excavation and the depth of cut or fill, as the case may be, at each one hundred (100) foot stake along the line of such road or said ditch or ditches.

Report—estimated damages.

They shall report all lands actually damaged by such road and ditch or ditches, and the estimated amount of damages to each tract, giving a description thereof, and the names of the owners as far as they can; and also, a description of all lands benefited by said road or ditch or ditches lying within one (1) mile of the center of said road, and estimated amount that each of said tracts of land will be benefited.

They shall also make an estimate of the entire cost of the construction of such road and ditch or ditches as herein provided, and of the damage caused thereby, furnish to and file with the county auditor an itemized account of their expenses, with any recommendation they may deem pertinent, at least thirty (30) days before the next regular or special session of said board of commissioners.

Width.

SEC. 4. Such road shall be at least four (4) rods wide, and the central portion thereof shall, when necessary to make a good road, be turnpiked and drained in such manner as the viewers and engineers may determine and recommend.

Where to run.

SEC. 5. Such road may run across or over any other road already constructed or upon same for any distance, when necessary.

Notice—hearing—determination.

SEC. 6. When the auditor receives such report he shall set a time for hearing said petition and report, which shall be at the next regular or special session of said board of commissioners, held not less than thirty (30) days after the filing of said report; and it shall be the duty of the auditor to cause a notice to be given, by publication, for three (3) successive weeks in a newspaper printed and published in said county, and by posting printed copies thereof in three (3) public places

in each township where the proposed road is located and one (1) at the front door of the court house in said county, of the hearing of said petition and report, and of the time set for the hearing thereof, which notice shall briefly state where such road commenced, its route and terminus, together with the names of the owners of lands lying within one (1) mile from the center of such proposed road on either side thereof, and the names of owners of land benefited by any ditch or drain which said viewers and engineer report necessary to make in the laying out and construction of said road (said names of owners in both cases to be the same as appears in the county tax duplicate of said county) and a description of the land damaged by said road or ditches, as appears in the viewers' report.

After hearing said report the county commissioners may establish said road, ditch or ditches, and may, in their discretion, advertise and let the work as provided in section ten (10) of this act.

The provisions of sections four (4) five (5) nine (9) eleven (11) twelve (12) thirteen (13) fourteen (14) fifteen (15) sixteen (16) seventeen (17) eighteen (18) and nineteen (19) of this act shall apply to any road or ditch constructed as provided in this section.

Powers of commissioners.

SEC. 7. If upon said hearing the board of commissioners find such proposed road will be a public benefit or convenience and practicable, they may, in their discretion, establish the same as specified in said viewers' report, and said commissioners may at said hearing modify the report of the viewers as to benefits assessed or damages allowed, increasing or diminishing the same, or review any other matter connected therewith and call witnesses or view the premises at their option.

Appeals.

SEC. 8. Any person or corporation aggrieved may appeal from any final order or judgment of the board of commissioners made in the proceedings and entered upon the record determining either of the following matters, viz.:

First—The amount of damages allowed to any person or corporation.

Second—Whether where ditches are constructed the estimated benefit to each tract of land is greater than the actual benefits to be derived therefrom.

Said appeal shall be taken and prosecuted in the manner provided for appeals under the general drainage law of eighteen hundred and eighty-seven (1887), being chapter ninety-seven (97), of the laws of eighteen hundred and eighty-seven (1887), so far as the same may be applicable.

Damages—how paid.

SEC. 9. When damages are awarded to any person or persons or corporations, as provided by this act, the board of commissioners shall order the same to be paid out of the county treasury, on warrants to be issued to the person or persons or the corporations entitled thereto, and to be dated and become due and payable immediately after the letting of the contracts by the auditor, as hereinafter provided.

And in case the proceeding had in relation to the laying out or establishing such road shall be declared void and such proceedings set aside and vacated by the judgment of any court prior to the letting of the contract by said auditor, all such warrants shall thereupon become null and void and shall be returned to the auditor for cancellation.

Bids—bonds—contract.

SEC. 10. When such road is established and damages settled, the auditor shall at once advertise for bids for constructing said road, and any ditch or ditches, or drains which may be necessary to drain said road (which said ditch or ditches or drains may run along or away from said road to connect with any other ditch or ditches already constructed, or into any water course), in sections as the commissioners may order, in some newspaper printed and published in said county, for three (3) consecutive weeks; and shall, within thirty (30) days from the time said road is finally established, let said work to the lowest bidder who can furnish good and sufficient bond, in double the amount of his bid, which bond shall be conditioned to pay all damages sustained if said work is not done as specified or within the time specified, which time shall be as short as practicable to insure good work, and shall be determined by the commissioners in their order establishing said road said commissioners shall contract in the name of the county, and said bond shall be given to the county.

Inspection—payment.

SEC. 11. It shall be the duty of the county surveyor or civil engineer and one (1) member of the board of county commissioners, to be designated by said board on being notified by the contractor that his contract is completed, to thoroughly inspect the work done under said contract; and if they find it completed according to contract and the specifications therefor they shall accept it and give to the contractor a certificate of acceptance briefly describing said road, so that said contract can be identified; and upon presentation and surrender of such certificate by said contractor to the auditor, the said auditor shall draw an order on the county treasurer of said county for the full amount of the contract price for said work; and all such orders shall be

paid out of the fund to be provided therefor by the said board of commissioners as hereinafter specified.

Said orders shall become due and payable out of said fund at once; and if there shall be no cash in said fund to pay for said orders when the same are presented, the county treasurer shall indorse on said orders "Not paid for want of funds," and date and sign such indorsement, and the amount of said order shall draw interest at the rate of six (6) per cent per annum until called in by said treasurer.

Compensation of surveyor.

SEC. 12. The surveyor or engineer shall receive the sum of four (4) dollars per day for every day he is necessarily engaged in performing the duties required of him by this act; the viewers shall receive three (3) dollars per day for each and every day they are necessarily engaged in performing the duties required of them, and they may hire at reasonable prices such help as may be necessary in the performance of their duties; the county auditor of such county shall receive compensation for his services under this act, as the board of county commissioners shall determine, and such compensation shall be in addition to all sums allowed by law at the time of the passage of this act.

The fees and compensation provided for in this act shall be audited, examined, allowed and paid upon the order of the board of county commissioners.

Bonds may be issued.

SEC. 13. The board of county commissioners are hereby authorized to issue bonds of their said county in such sums only as may be necessary to defray the expense incurred in locating, establishing and constructing any road and ditch under this act, said word "expenses" to be construed to mean and cover every item of cost of such road and ditch or ditches from its inception to its completion, and said county to be reimbursed as hereinafter provided.

Said bonds may be issued as soon as said expense can be ascertained, and shall bear interest at a rate not exceeding six (6) per cent, and shall be payable on or before ten (10) years, at the option of said board of county commissioners.

The board shall have the power to sell said bonds as they shall deem best for the interest of said county; but they shall not sell the same at less than par value.

As soon as said bonds are sold they shall order the treasurer to pay all outstanding orders issued in pursuance of this act out of the funds received from the sale of said bonds, and said commissioners are hereby authorized and empowered to transfer from such fund to the general fund of said county all money paid out by said treasurer for damages awarded under this act

and all other sums allowed by this act in locating and establishing such road, ditch or ditches.

Said commissioners are also empowered to transfer from said general fund any surplus money that may be in such general fund, sufficient to pay said damages and expense of locating and establishing such road and ditch or ditches.

Tax to pay bonds.

SEC. 14. At the next assessment of taxes after any bonds are issued in pursuance of this act, the board of county commissioners shall for the purpose of paying said bonds, levy a tax on all lands lying within one (1) mile from the center of said road, except what is actually damaged by such road, and all land benefited by any ditch, or ditches constructed under this law in proportion to the benefits assessed by said viewers, equal to one-tenth (1-10) the amount of said bonds and one (1) year's interest thereon less the amount levied on said land for that year for general road and bridge purposes which tax shall be collected as other county taxes are collected; and each succeeding year a tax equal to one-tenth (1-10) of the amount of said bonds and one (1) year's interest thereon less the amount of taxes levied on said lands for that year for general road and bridge purpose shall be levied and collected in like manner; until said bonds and the interest thereon are fully paid.

Proceeds—how applied.

SEC. 15. That all the money arising from the taxation of said lands levied in each year for general road and bridge purposes (not exceeding the assessment for the bonds and interest for that year) shall in each year be applied to the payment of interest and principal on said bonds until said bonds and interest thereon are fully paid, and any money remaining after such funds are so applied be paid into the town treasury each year.

Errors.

SEC. 16. No error or omission in proceedings under this act shall affect the validity thereof.

Repairs.

SEC. 17. When any road is constructed under this act it shall be kept in repair as any township or county road is kept in repair.

Exemption.

SEC. 18. That all lands, assessed as provided for in this act, for the purpose of constructing any highway or road shall be exempt from the city, village or township road and bridge tax voted at the annual election under general statutes of 1878, chap. 11, sec. 49 and known as the road and bridge fund during the time of the assessment for the payment of said bonds and interest.

Provided that said road and bridge tax does not exceed the amount assessed for the payment of said bonds and interest for that year.

SEC. 19. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

S. F. No. 450.

CHAPTER 303.

Townsite trusts.

An act to vest in the district courts all trusts relating to townsites heretofore vested in any judge of said court.

Be it enacted by the Legislature of the state of Minnesota:

Vested in district court.

SECTION 1. That wherever by virtue of any statute the trust under the townsite act of congress of May 23rd, 1844, may have been conferred upon or vested in any judge of the district court of this state, the same shall henceforth be conferred upon and vested in such district court, to be exercised by any of the judges of said court within their proper districts.

Confirming acts.

SEC. 2. That all acts of or before any of the judges of said court heretofore done in the course of proceedings for the execution of such trust under the law of congress aforesaid, shall be deemed to be of the same effect and validity as though such trust had been theretofore in terms legally conferred upon and vested in said courts to be exercised by any of the judges thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No 612.

CHAPTER 304.

Jurors' fees.

An act to regulate the payment of grand and petit jurors' fees and mileage in the district courts of the State of Minnesota and to make the same equal and uniform in all the counties throughout the state.

Be it enacted by the Legislature of the state of Minnesota:

$2 00.

SECTION 1. Each grand and petit juror shall be entitled to two dollars for each day's attendance upon any district court in any county within this state and ten cents for each mile traveled in going to and returning from the said court; the distance to be computed by

the usually traveled route and paid out of the county treasury of the county, in which the service was so rendered.

Clerk's certificate.

SEC. 2. The clerk of the district court shall deliver to each juror a certificate for the number of days attendance and miles traveled for which he is entitled to receive compensation.

Where not to apply.

SEC. 3. This act shall not apply to any municipal court or justice court or to jurors summoned or sworn before any coroner on any inquest taken by him.

Talesmen.

SEC. 4. All talesmen duly required to serve and who actually serve on any petit jury in this state shall have and receive for such service the same amount for attendance and service as jurors regularly drawn as provided in section one of this act.

SEC. 5. All acts and parts of acts, whether the same be special or general acts, that are inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 305.

S. F. No. 596.

Records.

An act providing for the transcribing of mutilated or defaced records in the office of clerks of district courts.

Be it enacted by the Legislature of the state of Minnesota:

Transcribing.

SECTION 1. That whenever any of the indexes, dockets or records in the office of any clerk of a district court in this state shall become so torn, soiled, mutilated or defaced that the judge of such court, or the judges thereof if there be more than one, deem it necessary, in order to preserve said indexes, dockets or records, to have the same transcribed, they may order such clerk to transcribe the same, and shall designate the particular system or kind of books to be used for such transcription, and it shall thereupon be the duty of such clerk to procure such books at the expense of the county wherein said office is, and to transcribe such indexes, dockets or records forthwith, and when so transcribed, such transcribed indexes, dockets or records shall have the same force and effect in all respects, whether as evidence or otherwise, as the originals thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 626.

95 c 306
92-NW 529

CHAPTER 306.

Trials—impartial.

An act to enable parties to actions in the district court in this state to secure an impartial judge to hear and preside at the trial of said actions.

Be it enacted by the Legislature of the state of Minnesota:

May object to trial judge—affidavit.

95 c 306
96-M - 348
105-NW 68

SECTION 1. Whenever in any civil action pending in a district court of this state, any party to the action shall, not less than six days before the first day of the term at which said action is noticed for trial, make and file with the presiding judge and serve on the opposite party or his attorney, an affidavit stating that on account of prejudice or bias on the part of said presiding judge he has good reason to believe and does believe that he cannot have a fair trial of said action, said presiding judge shall forthwith secure the services of some other judge of the same or another district to preside at the trial of said action, and said action shall be continued on the calendar until some other judge can be secured to preside at said trial. On making and filing with the presiding judge, such an affidavit by the defendant in a criminal action not less than two days before the expiration of the time allowed to him by law to prepare for trial, some other judge shall likewise be secured to preside at the trial of said action and said presiding judge shall in either of such cases be incapacitated to try said action; *provided*, if the judge against whom said affidavit is filed in a criminal action shall so order the place of trial of said action may be changed to another county of judicial district so as to secure a speedy trial before another judge.

Provided that in districts having more than one judge the affidavit above provided for may be filed within one day after it is ascertained which judge is to preside at the trial.

Provided, that this act shall not apply to any judicial district in this state having less than three (3) district judges.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 24th, 1895.

CHAPTER 307.

H. F. No. 814.

Municipal court.

An act to abolish the municipal court of the city of Duluth, known and designated as municipal court number two (2) of said city, the same being the municipal court organized and existing in what was formerly the village of West Duluth under sub-chapter eleven (11) of chapter one hundred and forty-six (146) of the general laws of eighteen hundred and ninety-one (1891), and continued and made a municipal court of the city of Duluth by section seven (7) of an act entitled "An act providing for the extension of the limits of the city of Duluth by the annexation of the village of West Duluth, the village of Lakeside and other adjacent territory of said city of Duluth," being chapter fifty-six (56) of the special laws of eighteen hundred and ninety-one (1891), and also continued and made a municipal court of the city of Duluth by section five (5) of chapter one hundred and ninety (190) of the general laws of eighteen hundred and ninety-three (1893).

Be it enacted by the Legislature of the state of Minnesota:

Abolishing municipal court No 2 of Duluth.

SECTION 1. That the municipal court of the city of Duluth known and designated as municipal court number two (2) of said city, the same being the municipal court organized and existing in what was formerly the village of West Duluth under sub-chapter eleven (11) of chapter one hundred and forty-six (146) of the general laws of eighteen hundred and ninety-one (1891), and continued and made a municipal court of the city of Duluth by section seven (7) of an act entitled "An act providing for the extension of the limits of the city of Duluth by the annexation of the village of West Duluth, the village of Lakeside and other adjacent territory to said city of Duluth," being chapter fifty-six (56) of the special laws of eighteen hundred and ninety-one (1891), and also continued and made a municipal court of the city of Duluth by section five (5) of chapter one hundred and ninety (190) of the general laws of one thousand eight hundred and ninety-three (1893), be and the same is hereby abolished.

SEC. 2. This act shall take effect and be in force from and after the eighteenth (18) day of May A. D. one thousand eight hundred and ninety-five (1895).

Approved April 22nd, 1895.

S. F. No. 626.

95 c 306
92-NW 529

CHAPTER 306.

Trials—impartial.

An act to enable parties to actions in the district court in this state to secure an impartial judge to hear and preside at the trial of said actions.

Be it enacted by the Legislature of the state of Minnesota:

May object to trial judge—affidavit.

95 c 306
96-M - 348
105-NW 68

SECTION 1. Whenever in any civil action pending in a district court of this state, any party to the action shall, not less than six days before the first day of the term at which said action is noticed for trial, make and file with the presiding judge and serve on the opposite party or his attorney, an affidavit stating that on account of prejudice or bias on the part of said presiding judge he has good reason to believe and does believe that he cannot have a fair trial of said action, said presiding judge shall forthwith secure the services of some other judge of the same or another district to preside at the trial of said action, and said action shall be continued on the calendar until some other judge can be secured to preside at said trial. On making and filing with the presiding judge, such an affidavit by the defendant in a criminal action not less than two days before the expiration of the time allowed to him by law to prepare for trial, some other judge shall likewise be secured to preside at the trial of said action and said presiding judge shall in either of such cases be incapacitated to try said action; *provided*, if the judge against whom said affidavit is filed in a criminal action shall so order the place of trial of said action may be changed to another county of judicial district so as to secure a speedy trial before another judge.

Provided that in districts having more than one judge the affidavit above provided for may be filed within one day after it is ascertained which judge is to preside at the trial.

Provided, that this act shall not apply to any judicial district in this state having less than three (3) district judges.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 24th, 1895.

CHAPTER 307.

H. F. No. 814.

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An act to abolish the municipal court of the city of Duluth, known and designated as municipal court number two (2) of said city, the same being the municipal court organized and existing in what was formerly the village of West Duluth under sub-chapter eleven (11) of chapter one hundred and forty-six (146) of the general laws of eighteen hundred and ninety-one (1891), and continued and made a municipal court of the city of Duluth by section seven (7) of an act entitled "An act providing for the extension of the limits of the city of Duluth by the annexation of the village of West Duluth, the village of Lakeside and other adjacent territory of said city of Duluth," being chapter fifty-six (56) of the special laws of eighteen hundred and ninety-one (1891), and also continued and made a municipal court of the city of Duluth by section five (5) of chapter one hundred and ninety (190) of the general laws of eighteen hundred and ninety-three (1893).

Be it enacted by the Legislature of the state of Minnesota:

Abolishing municipal court No 2 of Duluth.

SECTION 1. That the municipal court of the city of Duluth known and designated as municipal court number two (2) of said city, the same being the municipal court organized and existing in what was formerly the village of West Duluth under sub-chapter eleven (11) of chapter one hundred and forty-six (146) of the general laws of eighteen hundred and ninety-one (1891), and continued and made a municipal court of the city of Duluth by section seven (7) of an act entitled "An act providing for the extension of the limits of the city of Duluth by the annexation of the village of West Duluth, the village of Lakeside and other adjacent territory to said city of Duluth," being chapter fifty-six (56) of the special laws of eighteen hundred and ninety-one (1891), and also continued and made a municipal court of the city of Duluth by section five (5) of chapter one hundred and ninety (190) of the general laws of one thousand eight hundred and ninety-three (1893), be and the same is hereby abolished.

SEC. 2. This act shall take effect and be in force from and after the eighteenth (18) day of May A. D. one thousand eight hundred and ninety-five (1895).

Approved April 22nd, 1895.

95 c 308
84-M - 62

S. F. No. 680.

CHAPTER 308.

Healing act.

An act to legalize filing of affidavits in certain cases, and making the same and the record thereof evidence.

Be it enacted by the Legislature of the state of Minnesota:

Affidavits.

SECTION 1. That in all cases where affidavits and proofs of service authorized by sections sixty-one and sixty-two (61 and 62) chapter seventy-three (73) and sections five (5), nineteen (19), twenty (20) and twenty-three (23) of chapter eighty-one (81) of the general statutes of eighteen hundred and seventy-eight, have heretofore been filed and recorded, but after the time in said sections respectively limited, the same are hereby legalized and made as effectual in all respects as though filed and recorded at the time in said respective sections required.

And such affidavits and proofs and the record thereof, or duly certified copy of such record, shall be received in evidence in the same manner and with the same effect as if the same had been filed and recorded at the times in said respective sections specified.

Pending action not affected.

SEC. 2. No proceedings in which such affidavits or proofs might have been heretofore filed and recorded shall be deemed invalid in consequence of the failure to file and record the same within the time specified in said sections respectively:

Provided, that nothing herein contained shall be held to affect any action now pending in any court of this state, touching the validity of any proceedings in which such affidavits or proofs are filed or recorded or omitted to have been filed and recorded as in said sections provided.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 12th, 1895.

S. F. No. 397.

CHAPTER 309.

Jury duty.

An act to provide for the exemption from jury duty of all engineers engaged in active service as such.

Be it enacted by the Legislature of the state of Minnesota:

Engineers exempted.

SECTION 1. That all engineers actively engaged as locomotive or stationary engineers shall be exempt

from jury duty as either grand or petit jurors at all times when their personal services are required as such engineers by their employers.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17th, 1895.

CHAPTER 310.

H. F. No. 24

An act relating to the compilation of the general laws of Minnesota by Henry B. Wenzel and others and to declare such compilation competent evidence of the law in all courts of this state.

Wenzell statutes.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The general laws of the state of Minnesota, in force December thirty-first (31st), one thousand eight hundred and ninety-four (1894), as compiled by Henry B. Wenzell and others and entitled The general statutes of the state of Minnesota, are hereby declared competent evidence of the several acts and resolutions therein contained in all courts of this state without further proof or authentication, and shall be known and cited as "General Statutes, 1894."

Recognized and authenticated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27th, 1895.

CHAPTER 311.

H. F. No. 816.

An act relating to the salary of the supreme court reporter.

Supreme court reporter.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the salary of the supreme court reporter, from and after January first (1st), A. D. eighteen hundred and ninety-five (1895), shall be the sum of two thousand ($2,000) dollars per annum.

Salary.

SEC. 2. That said sum of two thousand ($2,000) dollars shall be appropriated annually for the payment of said salary.

Appropriation.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 850.

CHAPTER 312.

Legalizing act.

An act relating to the filing of affidavits under sections 61 and 62 of title 8 of chapter 73, general statutes of 1878.

Be it enacted by the Legislature of the state of Minnesota:

Affidavits, Secs. 61, 62, Chap. 73, G. S. 1878.

SECTION 1. That the affidavits mentioned in sections 61 and 62 of title 8 chapter 73 general statutes of 1878 which have been or may be filed within ninety days after the passage of this act are hereby legalized and made evidence and are declared not invalid by reason of the failure to file and record the same within the time mentioned in said sections.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 582.

CHAPTER 313.

Terms of court.

An act to change the time for holding the general terms of the district court in the counties of Lac qui Parle and Meeker of the twelfth (12th) judicial district.

Be it enacted by the Legislature of the state of Minnesota:

12th district.

SECTION 1. The general terms of the district court shall hereafter be held in the counties of Lac qui Parle and Meeker in the twelfth (12th) judicial district as follows: In the county of Lac qui Parle on the first (1st) Tuesday in May and the fourth (4th) Tuesday in November of each year.

In the County of Meeker on the third (3rd) Tuesday of May each year, and on the first (1st) Tuesday in November of each and every odd numbered year, and on the first (1st) Wednesday after the first (1st) Tuesday of November in each and every even numbered year.

Proceedings—returnable when.

SEC. 2. All notes, processes, orders, continuances, appeals, bonds, recognizances, notices and proceedings issued, made or returnable to the general terms of said

court in and for said counties respectively, as provided by laws prior to the passage of this act, shall be deemed and construed as made, taken and returnable to the proper term of said court in the said counties respectively, as prescribed by this act.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1895.

CHAPTER 314.

S. F. No. 703.

An act fixing general terms of the district court in the several counties of the 13th judicial district.

Terms of court.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The general terms of the district court in the several counties of the thirteenth judicial district, this state, shall hereafter be held each year as follows:

13th district.

In Nobles county the fourth (4th) Monday in February, and the first (1st) Monday in November, in odd numbered years, and the first (1st) Wednesday after the general election of even numbered years.

In Rock county, on the third (3rd) Tuesday in March and September of each year.

In Murray county, the third (3rd) Tuesday in April and October of each year.

In Pipestone county, the second (2nd) Tuesday in May and the third (3rd) Tuesday in December of each year.

In Jackson county the fourth (4th) Tuesday in May and the first (1st) Tuesday in December of each year.

In Cottonwood county, on the third (3rd) Monday in June and November of each year.

SEC. 2. All writs, recognizances, bonds, continuances, and proceedings issued, made or returnable to the district court aforesaid in said counties, or any of them as fixed by law prior to the taking effect of this act shall be and the same hereby are made returnable to the terms of said courts as the same are prescribed by the provisions of this act.

Proceedings—returnable when.

SEC. 3. All acts and parts of acts inconsistent with this act or prescribing any other time of holding any of said general terms of court, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after August first, one thousand, eight hundred and ninety-five.

Approved April 17th, 1895.

S. F. No. 480.

CHAPTER 315.

14th district.

An act to establish the 14th judicial district and to fix the time for convening court in the different counties comprised therein.

Be it enacted by the Legislature of the state of Minnesota:

Counties included.

SECTION 1. That the counties of Norman, Polk, Marshall, Kittson and Roseau be and the same are hereby constituted the fourteenth (14th) judicial district.

Terms of court.

SEC. 2. The time for convening court in the several counties herein named shall be as follows:

Norman county, first Monday in June and fourth Monday in October, if called.

Polk county, fourth Monday in June and first Monday in December.

Marshall county, third Monday in May and second Monday in November.

Kittson county, third Monday in June.

Roseau county, fourth Monday in July.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

H. F. No. 167.

CHAPTER 316.

Terms of court.

An act fixing the time for holding the general terms of the district court in the fifteenth (15th) judicial district.

Be it enacted by the Legislature of the state of Minnesota:

15th district.

SECTION 1. The general terms of the district court in and for the fifteenth (15th) judicial district of the state of Minnesota shall be held as follows:

In the county of Itasca on the first Tuesday in January and on the first Tuesday in June in each year.

In the county of Crow Wing on the first Tuesday in March and on the first Tuesday in September in each year.

In the county of Hubbard on the first Tuesday in July in each year.

In the county of Aitkin on the first Tuesday in October in each year.

In the county of Wadena on the first Tuesday in December of each year.

Proceedings—returnable when.

SEC. 2. All writs, processes, bonds, recognizances, continuances, appeals, notices and proceedings had, issued or returnable to the terms of court in and for each of said counties, as fixed by law prior to the passage of this act, shall be deemed and construed as made, taken and returnable to the terms of said court in each of said counties fixed by this act.

Additional term of court.

SEC. 3. It shall be the duty of the judge of the district court of the fifteenth (15th) judicial district whenever in his opinion it is necessary to call an additional general term of the district court in any of the counties mentioned in this act, to call such general term by filing an order to that effect with the clerk of the district court of the county in which said term of court is so ordered, fixing the time for said additional general term, which order shall be published in the official newspaper of the county in which said judge has ordered said term of court for at least forty (40) days before the time so set; and such additional term shall be held and deemed to be a general term of said district court as fully and to all intents as though the time of holding the same had been designated by act of the legislature.

SEC. 4. The March term of the district court in Crow Wing county in the year eighteen hundred and ninety-five (1895), shall be held on the third (3) Monday in March as now provided by law.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 26th, 1895.

H, F. No. 332.

CHAPTER 317.

Terms of court.

An act to fix the time for holding the general terms of the district court in the county of Roseau in the fourteenth judicial district.

Be it enacted by the Legislature of the state of Minnesota:

14th district.

SECTION 1. That the general term of the district court in the county of Roseau, in the fourteenth (14) judicial district of the state of Minnesota, shall be held on the fourth (4) Monday in July of each year, but no grand jury shall be summoned for such term of court, unless the district judge shall make and file with the clerk of court of said county at least fifteen (15) days before such term, an order directing the summoning of such jury; *provided*, that if it shall be made to appear to the judge of said court that there are no matters or causes to be tried by a petit jury at such term of court, the judge may, in his discretion, by order direct that no petit jury be summoned for such term.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

H. F. No. 799.

CHAPTER 318.

Terms of court.

An act to fix the terms of the district court of the seventh judicial district in and for the counties of Clay, Stearns and Otter Tail.

Be it enacted by the Legislature of the state of Minnesota:

7th district.

SECTION 1. The general terms of the district court in and for the seventh judicial district in and for the counties of Clay, Stearns and Otter Tail, shall be held in said counties as follows: In the county of Clay on the second (2) Monday of June and the second (2) Monday in November of each year. In the county of Otter Tail the second (2) Monday in May and the fourth (4) Monday in November of each year. In the county of Stearns on the fourth (4) Monday in May and the second (2) Monday in December of each year.

Proceedings—returnable when.

SEC. 2. All writs, processes, orders, continuances, appeals, bonds, recognizances, notices of proceedings issued, made or returnable to the general terms of court in and for said counties respectively, as prescribed

by law prior to the taking effect of this act, shall be deemed and construed as made, taken and returnable to the proper term of court of the counties respectively as prescribed in this act.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

CHAPTER 319.

H. F. No. 748.

An act fixing the time for holding the general terms of the district court in Houston county.

Terms of court.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The general terms of the district court in and for the county of Houston shall be held on the fourth Tuesday in February and the third Tuesday in October in each year.

Houston county.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after the first (1) day of July, one thousand eight hundred and ninety-five (1895).

Approved April 5th, 1895.

95 C 320
71-M - 46
71-M - 50
72-M - 181
75-M - 266
76-M - 7
76-M - 351
77-M - 442
77-M - 465
79-M - 36
79-M - 64
79-M - 440
78-NW 874
79-NW 310
80-NW 617
82-NW 1097
83-NW 133
83-NW 187
83-NW 511
84-NW 115
84-NW 800

95 c 320
84-M - 216
84-M - 226
84-M - 259
84-M - 316
84-M - 402
84-M - 415
86-M - 97
86-M - 329
86-M - 488

CHAPTER 320.

H. F. No. 788

An act authorizing district courts and also the supreme court of the state to direct judgment to be entered in certain cases instead of granting a motion for a new trial.

Judgments.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. In all cases where, at the close of the testimony in the case tried, a motion is made by either party to the suit requesting the trial court to direct a verdict in favor of the party making such motion, which motion was denied, the trial court on motion made that judgment be entered notwithstanding the verdict, or on motion for a new trial, shall order judgment to be entered in favor of the party who was entitled to have a verdict directed in his or its favor;

Directed to be entered in certain cases.

95 c 320
94-M - 421
103-NW 502

and the supreme court of the state on appeal from an order granting or denying a motion for a new trial in the action in which such motion was made may order and direct judgment to be entered in favor of the party who was entitled to have such verdict directed in his or its favor whenever it shall appear from the testimony that the party was entitled to have such motion granted.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 24th, 1895.

S. F. No. 516. 95 c 321 08 - 8

CHAPTER 321.

Terms of court.

An act to change the time for holding the term of the district court in and for Fillmore county.

Be it enacted by the Legislature of the state of Minnesota:

Fillmore county.

SECTION 1. The third paragraph of section sixty-five, of chapter sixty-four, of the general laws of one thousand eight hundred and fifty-eight is hereby amended so as to read:

"In the county of Fillmore on the second Tuesday in April and the second Tuesday in November."

SEC. 2. This act shall take effect from and after its passage.

Approved March 8th, 1895.

S. F. No. 298.

CHAPTER 322.

Terms of court.

An act fixing the time of holding court in the county of Becker.

Be it enacted by the Legislature of the state of Minnesota:

Becker county.

SECTION 1. The general term of the district court in and for, the county of Becker, in the seventh (7th) judicial district, this state, shall hereafter be held on the second (2nd) Monday in April and October in each year;

Provided, that the first (1st) term under this act shall be held on the second (2nd) Monday in October, one thousand eight hundred and ninety-five (1895);

Provided further, that whenever a grand jury shall be required for any term of said court in said county

the petit jury shall be summoned to appear on the second (2nd) day of such term.

Proceedings returnable when.

SEC. 2. That all writs, processes, bonds, recognizances, continuances, appeals, notices and proceedings had, issued or returnable to the terms of court in and for said county, as fixed by law prior to the passage of this act, shall be deemed and construed as made, taken and returnable to the proper term of court in said county, as fixed by this act.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 19th, 1895.

CHAPTER 323.

S. F. No. 46.

Terms of court.

An act fixing the time for holding the general terms of the district court, Traverse county.

Be it enacted by the Legislature of the state of Minnesota:

Traverse county.

SECTION 1. The general terms of the district court in and for the county of Traverse, shall hereafter be held on the second (2nd) Tuesday in May and the third (3d) Tuesday in November of each year.

SEC. 2. All acts and parts of acts inconsistent with this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved February 15th, 1895.

CHAPTER 324.

H. F. No. 552.

Findings of fact.

An act relating to findings of fact by juries in certain cases.

Be it enacted by the Legislature of the state of Minnesota:

95 C 324
77-M - 142

Verdict to name fellow servant causing injury.

SECTION 1. In any action where a verdict is hereafter rendered awarding damages on account of the negligence of a co-employe or co-employes, fellow servant or fellow servants of the injured party, the court, upon the request of either party, made before the case is submitted to the jury, shall direct the jury to name and it shall be their duty to name in their verdict such

co-employe or co-employes, fellow servant or fellow servants, if the evidence shall disclose their name or names; and if the evidence does not disclose the name or names, then such co-employe or co-employes, fellow servant or fellow servants shall be designated by words of description, having reference to class of service, nature of employment or otherwise, so as to identify them as far as possible under the evidence.

Provided further that this act shall not apply to cases where the name or description of such person or persons is not disclosed by the evidence.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 24th, 1895.

S. F. No. 589.

CHAPTER 325.

Supreme court reports.

An act to provide for the furnishing of the Minnesota supreme court reports to the clerk of the district court and the judge of probate of certain counties in this state and to municipal courts.

Whereas the Minnesota supreme court reports heretofore furnished to the judge of probate and clerk of court of certain counties of this state have been destroyed by fire and other casualties; and

Whereas, some counties in this state have not been furnished with such reports, therefore

Be it enacted by the Legislature of the state of Minnesota:

To be furnished to certain courts.

SECTION 1. Whenever satisfactory evidence is presented to the secretary of state that any county in this state, or any municipal court therein, to which the Minnesota supreme court reports have been heretofore furnished, or may hereafter be furnished pursuant to the laws of this state has lost, or may hereafter lose said reports by fire or casualty, he is hereby authorized and directed to procure and furnish to the clerk of court and judge of probate of such county or counties, and to such municipal courts, full and complete copies of said reports.

How paid.

SEC. 2. The secretary of state is hereby authorized and directed to procure and furnish the Minnesota supreme court reports to the clerk of court and judge of probate of such counties in this state heretofore or hereafter organized that have not been heretofore fur-

nished with such reports, and to such municipal courts as have not heretofore received the same.

All such reports shall be paid for out of any funds appropriated for purchase of Minnesota supreme court reports.

SEC. 3. This act shall take effect and be in force from and after its passsage.

Approved April 20th, 1895.

CHAPTER 326.

S. F. No. 679

An act to save redemption rights from execution sales when an action is pending to set aside such sales in certain cases.

Redemption rights preserved.

95 c 326
111-NW 302

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. In all cases where an action has been or may hereafter be brought wherein it is claimed that a sale of any land on execution should for any reason be set aside and cancelled and the time for redemption from such sale may expire before the final determination of said action, any person having the right to redeem from such sale, may before the time for redemption expires for the purpose of saving such right deposit with the sheriff of the county in which said premises are situated the amount that would be necessary to redeem said premises upon such sale at the date after the expiration of the time for redemption and execute a bond with sureties to be prescribed and approved by such sheriff conditioned to pay such additional interest as may accrue on the amount so deposited until the final redemption as hereinafter provided.

Deposit with sheriff pending action to test validity of sale.

95 C 326
75-M 153

Such deposit and bond so executed shall extend the time for redemption from such execution for the period of thirty days after the final determination of said action during which time any person entitled to by law may redeem said premises from such sale by paying to said sheriff in addition to the amount so deposited the interest accrued at the time of such redemption. And thereupon said sheriff shall receive, hold and retain such redemption money and bond until such action is finally determined and final judgment entered therein. No such redemption so made shall in any case be held or construed to be a voluntary redemption nor in any case be or construed to be a waiver of any of the grounds or causes of action in any case nor shall the rights of the plaintiff or plaintiffs or those for whose benefit

such action is brought be in any way prejudiced or impaired thereby. The judgment in such actions shall, among other things determine the rights of the parties in and to the moneys so deposited and the interest thereon, and the validity of said execution sale and to such bond, and the said moneys and bond shall be paid over and delivered by such sheriff as directed by such judgment upon delivery to him of a certified copy thereof.

The remedy herein provided shall be deemed cumulative and in addition to other remedies now existing.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

95 c 327
84-M - 204
84-M - 287
86-M - 311
55-l r a 326

S. F. No. 652.

CHAPTER 327.

Habeas corpus

An act to provide a speedy hearing in special proceedings instituted upon a writ of habeas corpus and a review thereof in the supreme court by any party feeling aggrieved by the decision and order made by a district court, a district judge or court commissioner.

95 C 327
77-M - 502
78-M - 167

95 C 327 §3
80-NW 638

Be it enacted by the Legislature of the state of Minnesota:

Appeals.

95 c 327
93-M - 294
101-NW 303
96-M - 110
104-NW 709
96-M - 150
104-NW 890

SECTION 1. Any party feeling aggrieved by any final order of the district court, district judge or court commissioner made in a special proceeding instituted upon a writ of habeas corpus may within thirty days after such order is filed in the office of the clerk of the district court appeal therefrom to the supreme court by serving notice of such appeal upon the adverse party or his attorney and upon the clerk of said district court and no bond or other proceeding shall be required to perfect such appeal.

Return.

SEC. 2. The clerk of the said district court shall after the filing of such notice of appeal make true copies of the petition writ of habeas corpus return of the respondent and the answer of the relator if any to such return with a copy of the decision and order of the district court, district judge or court commissioner and shall duly certify and return the same to the supreme court and the clerk of said supreme court, shall file the same in his office as the return on such appeal.

Hearing.

SEC. 3. The appeal may be brought on for hearing before the supreme court at any time when said court is in session by either party by application to said court or a judge thereof for an order fixing the time of hearing of said appeal which shall not be less than five days nor more than fifteen days from the time of such application and such party shall forthwith serve upon the adverse party his or her attorney a copy of such order with a notice that he will bring on such appeal for hearing at the time specified in said order and said appeal shall be heard on said day unless continued for cause. The said appeal shall be tried in the supreme court in the same manner as if the original writ of habeas corpus had been granted and issued out of that court, and upon such hearing said court shall make and give final judgment therein. And if the person in whose behalf the writ was applied for is a minor child of tender years the court shall as a part of its judgment determine the person or party who is entitled to control and direct the education and training of such child; *provided* that no costs and disbursements shall be allowed any party to such proceedings nor shall any party be required to print any paper or any of the proceedings had on such appeal.

Application.

SEC. 4. The provisions of sections two and three of this act shall apply to and govern all proceedings on appeals heretofore brought into this court from the order of a district court, district judge, or a court commissioner and which have not been brought to a hearing before the supreme court.

SEC. 5. All acts and parts of acts in conflict with the provisions of this act be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 511.

CHAPTER 328.

Repealed by Ch. 13 G. L. 1894

Struck juries.

An act to provide for struck juries and re-enacting sections fifteen (15) sixteen (16) seventeen (17) eighteen (18) and nineteen (19) of chapter 71 of the general statutes of Minnesota of one thousand eight hundred and seventy-eight (1878), relating to struck juries.

Be it enacted by the Legislature of the state of Minnesota:

When and how obtained.

SECTION 1. Struck Jury, When and How to be Obtained.—Whenever a struck jury is deemed necessary, by either party, for the trial of the issue in any action or proceeding in the district court, or brought there by appeal or otherwise, such party may file with the clerk of the court, a demand in writing for such jury, whereupon such clerk shall forthwith deliver a certified copy of such demand to the sheriff of the county, who shall give to both parties four days' notice of the time of striking the same. At the time designated, said sheriff shall attend at his office, and in the presence of the parties, or their attorneys, or such of them as attend for that purpose, shall select from the number of persons qualified to serve as jurors in the county, forty such persons as he shall think most indifferent between the parties, and best qualified to try such issue; and then the party requiring such jury, his agent or attorney, shall first strike off one of the names, and the opposite party, his agent or attorney, another, and so on alternately, until each has struck out twelve. If either party shall not attend in person, or by his attorney, the sheriff shall strike for the party not attending. When each party has stricken out twelve names, as aforesaid, the sheriff shall make a fair copy of the names of the remaining sixteen persons, and certify the same under his hand to be the list of jurors struck for the trial of such cause or proceeding and shall deliver the same to the clerk, who shall thereupon issue and deliver to the sheriff or other officer, a venire facias, with the names in said list contained annexed thereto; and such sheriff or other officer, shall summon the persons named, according to the command of such writ; and upon the trial of the cause, the jury so struck shall be called as they stand upon the panel and the first twelve of them who shall appear, and are not challenged for a cause, or set aside by the court, shall be the jury, and shall be sworn to try the issue joined in said cause or proceeding; *provided*, that if a sufficient number does not appear for the trial of said cause, the court shall cause talesmen to be called as in other cases.

Substitute for sheriff—when.

SEC. 2. Substitute for sheriff, when interested—Time of striking and service.—If the said sheriff is interested in the cause or proceeding, or related to either of the parties, or does not stand indifference between them, the judge of the said court may name some judicious and disinterested person to strike the jury, and to do and perform all things required to be done by such sheriff, relating to the striking of the same, but in no case shall it be necessary to strike such jury more than six days previous to the term of the court at which the action or proceeding is to be tried, and three days' service of the venire shall be held sufficient.

Fees, who pays

SEC. 3. Party asking for struck jury, to pay fees.—The party requiring such struck jury, shall pay the fees for striking the same, and the legal fees for mileage and attendance, for each juror for attending, and shall not have any allowance therefor in the taxation of costs.

May be continued—when.

SEC. 4. Struck jury may be continued, when.—A struck jury for a trial of any issue at a particular term of the court, may be continued with the continuance of the cause, and summoned as jurors at a subsequent term, *provided* both parties consent thereto but not otherwise.

Limitation of act.

SEC. 5. Limitation of provision of this title—The provisions of this title shall not extend to the trial of any indictment for any offense where the party indicted is entitled to challenge peremptorily, or without cause shown, more than two jurors.

Approved April 24th, 1895.

95 c 329
86-M - 195
86-M - 232
86-M - 386
90-NW 384
57-1 r a 637

CHAPTER 329.

H. F. No. 189.

Deposit of disputed property

An act providing for the deposit in court of money, property or effects for which there are adverse claimants.

Be it enacted by the Legislature of the state of Minnesota:

Money or property in dispute or garnishment to be deposited with clerk of the court.

SECTION 1. Whenever two or more persons make claim for the whole or any part of the same money, personal property or effects in the possession or control of any other person, as bailee or otherwise, and the right of any such claimant is adverse to the right of any other claimant, or is disputed or doubtful, and the bailee, custodian or person in control of any part of such property, money or effects is unable to determine to whom the same rightfully belongs, or who is rightfully entitled to the possession thereof; or when-

ever such bailee, custodian or person in control has notice or knowledge of any right or claim of right of any person in or to any part of such property, money or effects, adverse to the right of any other claimant therefor; or whenever any debt, money, property or effects owing by, or in the possession or under the control of, any person may be attached by garnishment or other process and there is any dispute as to who is entitled to the same, or any part thereof; in any such case, the person in the possession or control of any such property, money or effects, when an action in any form has been commenced, for, on account of, or growing out of the same, or in which the same has been attached as aforesaid, may pay such money or deliver such property or effects, to the clerk of the court in which, or to the justice of the peace before whom, any such action having reference to said money, property, or effects, or the value thereof, may be pending, or out of which any garnishment or other process may issue with reference thereto; or, if no such suit be commenced, he may apply to the district or the municipal court of the city or the district where such property, money or effects may be situated, and, upon showing to the satisfaction of the court the existence of facts bringing him within the operation of this act, said court shall make an order designating a depository with whom said property, money or effects may be deposited by the applicant for such order. In either case, such person in the possession or control of such property, money, or effects shall at once notify, personally or by registered mail, all persons, of whose claims he may have notice or knowledge, having or claiming any interest, property, lien or right in, to or upon such property, money or effects, of such deposit; and upon giving such notice, the person so depositing the same shall thereupon be relieved from further liability to any person on account of such property, money or effects;

Provided, that such depositor may be required, upon the application of any party interested therein, to appear and make disclosure before the court in which any such action may be pending, or by which any order designating a depository may be made, concerning the said property, money, debts or effects, held, controlled or owned by him. If the address of any persons having or making any claim as aforesaid cannot be ascertained, an affidavit to that effect shall be filed with the depository, and the giving of such notice shall not be required in such case.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

CHAPTER 330.

S. F. No. 161.

An act to legalize certain corporations and to validate transfers of property made by such corporations.

Healing act.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That in all cases where an attempt has heretofore been made to form organize or renew any corporation under any of the general laws or statutes of the state of Minnesota, and the person so attempting to form, organize or renew any corporation have actually adopted, signed and filed in the office of the secretary of state, articles of incorporation in which the business therein specified was such as might be lawfully carried on under said laws by such corporation, and have in fact issued stock and transacted business under the corporate name therein assumed, and have in good faith received or transferred any property, real or personal, such attempted formation, organization or renewal in each and every such case is hereby legalized and declared valid and effectual under the name assumed as an incorporation under the laws of the state of Minnesota, notwithstanding the omission of any matter, thing or requirement by law prescribed to be done or observed in such formation organization or renewal thereof.

Legalizing de facto corporations.

And any and all conveyances of property, real or personal in good faith and lawful form made to or by any such body under the corporate name so assumed are hereby legalized and declared as valid and effectual for the purposes intended thereby as if such body corporate had been originally, in all things duly and legally incorporated *provided* that this act shall not apply to any suits now pending, involving the validity of such organization *Provided*, that this act shall not have the effect of reviving or renewing any corporation which has expired by limitation of time or shall have been dissolved by any court of competent jurisdiction.

Legalizing conveyances.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

H. F. No. 863.

CHAPTER 331.

Healing act.

An act to legalize articles and acts of corporations organized under chapter twenty-three (23) of the general laws of eighteen hundred and sixty-seven (1867).

Be it enacted by the Legislature of the state of Minnesota:

Corporations.

SECTION 1. That all articles of incorporation, amendments thereto, acts or by-laws of corporations organized and existing under and by virtue of the provisions of chapter twenty-three (23) of the general laws of the year eighteen hundred and sixty-seven (1867) of the state of Minnesota and of acts amendatory thereof and supplementary thereto, providing for the issue of capital stock by such corporations are hereby legalized and made valid and of the same force and effect as if such had been specifically provided by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

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95 c 332
84-M - 497
85-M - 124

H. F. No. 688.

Repealed 1899 p. 70

CHAPTER 332.

Foreign corporations.

An act to provide for the appointment, by corporations created or organized under the laws of another state, of agents to receive service of summons.

Be it enacted by the Legislature of the state of Minnesota:

Resident agent.

SECTION 1. Every corporation created or organized under the laws of any other state or territory or foreign country before it shall transact any business in this state, or acquire, hold, or dispose of property, real, personal or mixed, within this state, shall appoint an agent in writing who shall reside at some accessible point in this state duly authorized by it to accept service of summons or process, and upon whom service of summons or process may be made in any civil action in which said corporation may be a party, the cause of which said action arose in this state, and service upon such agent shall be taken and held as due and sufficient service upon any such corporation. A duly authenticated copy of the appointment or commission of such agent shall be filed and recorded in the office of the secretary of state and of the register of deeds of the county where said agent resides, and a certified copy thereof by

Appointment to be filed.

the secretary of state or register of deeds shall be conclusive evidence of the appointment and authority of such agent.

Service of process.

SEC. 2. In case any such corporation shall fail to so appoint such agent to receive service of summons or process, the summons or any process in any civil action or proceeding wherein such foreign corporation is defendant, which has property within this state, or the cause of action against which arose therein, may be served upon such foreign corporation by delivering a copy of such summons or process to the president, secretary, or any other officer, or in any agent of such corporation, or in the absence from the state of such president, secretary, other officer or agent of which the return of the sheriff of the county in which any such action shall be begun shall be conclusive evidence, then to any stockholder of such corporation, and such service so made shall be due and sufficient service upon any such corporation.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 333.

S. F. No. 631.

An act to authorize the amendment of articles of incorporation of corporations incorporated pursuant to the provisions of title III, chapter 34, general statutes 1878.

Amendment of articles.

Be it enacted by the Legislature of the state of Minnesota:

By board of directors.

SECTION 1. The board of directors of any body corporate, which has been or hereafter may be incorporated pursuant to the provisions of title III chapter thirty-four of the general statutes of this state, and which corporation has by its by-laws authorized its board of directors to make amendments to its articles of incorporation, may amend the articles of incorporation of such body corporate in any respects which might have been lawfully made a part of such original articles, by adopting at any regular meeting, by a two-thirds vote of the members of such board, and subject to any limitations upon such action contained in the by-laws, articles specifying such amendments.

Recording amendment.

SEC. 2. Any body corporate amending its original articles of incorporation in the manner herein provided

for, shall cause to be prepared a certificate stating the time when and the respect in which, such articles are amended, which certificate shall be subscribed and sworn to by the president or other chief executive officer and also by the secretary of such body corporate and the same shall be filed and recorded in the same manner provided by law for the filing and recording of such original articles, and thereupon such amendments shall be and become a part of the original articles of such body corporate with the same force and effect as if such amendments had been adopted as a part of such original articles.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 227.

CHAPTER 334.

Y. M. C. A.

An act relating to young men's christian associations and to provide for the control of real estate owned by such associations.

Be it enacted by the Legislature of the state of Minnesota:

Trustees.

SECTION 1. Any young men's christian association, heretofore or hereafter organized under any law of the state of Minnesota, may create a board of trustees of such association to control the real property of such association and such other property as may be vested under its control by the board of directors or managers of said association, together with all property granted, devised or bequeathed to such association with the specific provision that it be controlled by such board of trustees.

How composed

SEC. 2. Such board of trustees shall be composed of not less than four (4) trustees and the president of the association who shall be, ex-officio, a member of such board.

Each member of the board of trustees shall be a member in good standing of one of what are commonly known as protestant evangelical churches, but neither a majority nor more than three (3) of such members, exclusive of the president of the association, shall be members of any one church denomination.

How elected.

SEC. 3. The first board of trustees of any association desiring to avail itself of the provisions of this act, shall be elected at any regular meeting of such association by a majority vote of the members of such

association entitled to a vote at regular meetings thereof and voting at such meeting. The several trustees shall hold office for such term of years as may be prescribed by the constitution or by-laws of the association, and when a vacancy occurs in such board of trustees by expiration of term or otherwise, the same shall be filled by a majority vote of the remaining trustees, from nominations to be made by the board of directors or managers of the association.

Property rights.

SEC. 4. The real property of any association availing itself of the provisions of this act, and such other property of such association as its board of directors or managers may designate, shall be controlled by the board of trustees of said association, together with all property granted, bequeathed, or devised to such association with the specific provision that such property be so controlled; and no real property belonging to such association shall be conveyed, disposed of, or mortgaged without the consent of said board of trustees, nor shall such real property be liable for any debt or obligation of the association unless such debt or obligation shall have been contracted with the approval of the board of trustees.

All property of the association under the control of said board of trustees, and the income from the same, shall be devoted to the purposes of the association and for no other purpose, and so long as the directors or managers of the association shall so expend the same, such income shall be paid over to the treasurer of the said board of directors or managers.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 12th, 1895.

CHAPTER 335.

H. F. No. 404.

Acknowledgments.

An act to legalize acknowledgments taken by officers of corporations as notaries public of instruments in which the corporation was interested.

Be it enacted by the Legislature of the state of Minnesota:

Healing act.

SECTION 1. That all acknowledgments heretofore taken by a notary public who was also an officer or director of a corporation organized under the laws of this state or any law of the United States which corporation was interested either as grantor or grantee in the instrument acknowledged are hereby legalized

and made as effectual as if the notary public had not been an officer or director of the corporation interested.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 16th, 1895.

S. F. No. 562.

CHAPTER 336.

Cemeteries.

An act providing for the purchase of additional lands by cemetery associations.

Be it enacted by the Legislature of the state of Minnesota:

Additional territory.

SECTION 1. Any cemetery association heretofore or hereafter organized under the provisions of title five (5) of chapter thirty-four (34) of the general statutes of 1878, and any amendments thereof, which is or may be conducting a cemetery within the limits of any city, in this state having a population of more than twenty-five thousand (25,000), may by a two-thirds vote of its board of trustees use any portion of the general fund of such association for the purpose of purchasing or acquiring additional lands not exceeding four hundred acres for cemetery purposes or to establish a new cemetery outside of and adjacent to, or lying near the city in which such cemetery is located.

Proceeds from sales.

SEC. 2. After such new cemetery shall have been established not less than fifty per centum of the proceeds of the sale of the lands or lots therein shall be annually paid into the funds from which such purchase money was taken, until the full amount so taken therefrom shall be repaid with interest thereon.

Application of act.

SEC. 3. In determining at any time to what cities this act shall apply reference shall be had to the United States census then last taken and the population as ascertained thereby shall govern.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 337.

H. F. No. 381.

An act to authorize the extension of the term of corporate existence in certain cases.

Life of corporations.

Be it enacted by the Legislature of the state of Minnesota:

Healing act.

SECTION 1. That if any corporation organized under any general laws of this state, and of a class authorized by law to extend the term of corporate existence, shall, desiring to effect such extension, have heretofore attempted so to do, by causing to be instituted within the original term of its corporate existence, proceedings for that purpose, which were void or ineffectual on account of the expiration of the original term of the corporate existence before the completion of such proceedings, or by reason of other defects or irregularities therein; such corporation may at any time within six (6) months from the passage of this act, take new proceedings prescribed by law for the extension or renewal of its corporate existence, or at its election may complete the proceedings already instituted as aforesaid, in like manner and with like effect as though the original term of its corporate existence had not expired; and thereafter all acts of the stockholders, directors and officers of such corporation, taken between the expiration of the original corporate term and the time of the actual extension under the provisions of this act, shall be of the same force and validity as though said former proceedings for extension had been valid. *Provided*, however, that this act shall not apply to corporations, the charters of which have been declared forfeited by the final judgment of any court of competent jurisdiction in this state, in an action brought for that purpose;

Corporate existence extended

And *provided further*, that this act shall not apply to corporations the original terms of which expired more than three (3) years prior to the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

H. F. No. 414.

CHAPTER 338.

Scales.

An act to exempt the scales of certain elevators, mills and railroad yards from the jurisdiction of city sealers weights and measures.

Be it enacted by the Legislature of the state of Minnesota:

City sealers no jurisdiction.

SECTION 1. That the scales at all elevators, mills and railroad yards operated by and under control of a daily appointed state weigher, and which scales are directly under the supervision of the state grain weighing department, shall be exempt from the jurisdiction of city sealers of weights and measures.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

H. F. No. 439.

CHAPTER 339.

State printing expert.

An act to re-enact all that portion of chapter five (5) of the general statutes of eighteen hundred and seventy-eight (1878) after section eleven (11) as specifically amended by chapter seventy-five (75) of the general laws of eighteen hundred and ninety-three (1893) and to validate acts done thereunder.

Whereas, by the passage of an act of the Legislature of eighteen hundred and ninety-three (1893), entitled "An act to amend chapter five (5) of the general statutes of eighteen hundred and seventy-eight (1878), relat- to state printing and to create the office of state printing expert, and to determine his salary and the manner of payment," approved April nineteenth (19), eighteen hundred and ninety-three (1893), being chapter seventy-five (75) of the general laws of eighteen hundred and ninety-three (1893), all that portion of said chapter five (5) from and after section eleven (11) thereof to and including section thirty-one (31) thereof was re-enacted and whereas the existence of the residue of said chapter five (5) is called in question by reason of the passage of said chapter seventy-five (75) of the general laws of eighteen hundred and ninety-three (1893), a

result never intended, either by the framer of the bill nor the Legislature which enacted the law, therefore

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That all that part of chapter five (5) of the general statutes of eighteen hundred and seventy-eight (1878), after section eleven (11) thereof together with all amendments thereto made by said chapter seventy-five (75) general laws eighteen hundred and ninety-three (1893), be and the same is hereby re-enacted and all official action had and done thereunder is hereby validated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 25th, 1895.

CHAPTER 340.

An act to prohibit the aiming of firearms at a human being, and to punish for the same.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That it shall be unlawful for any person to aim any gun, pistol, revolver or firearm of any description whatever, whether such gun, pistol, revolver or firearm be loaded, or not, at, or towards, any human being.

SEC. 2. Every person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred (100) dollars, or by imprisonment not more than thirty (30) days in the discretion of the court.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1895.

S. F. No. 116.

CHAPTER 341.

Wolf bounties.

An act to authorize the state auditor to draw his warrant to redeem wolf bounty orders, now in the hands various county treasurers.

Be it enacted by the Legislature of the state of Minnesota:

How paid.

SECTION 1. The state auditor is hereby authorized to draw his warrant from appropriations now in force, to redeem wolf bounty warrants in the hands of various county treasurers of the state paid under the former laws after the act of one thousand eight hundred and ninety-three (1893) chapter one hundred forty-seven (147) had taken effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27th, 1895.

H. F. No. 151

CHAPTER 342.

Wagons.

An act to encourage the use of certain wagons, and to allow therefor a deduction of road tax.

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Be it enacted by the Legislature of the state of Minnesota:

3 inch tires—road tax.

SECTION 1. That any person who shall continuously use in and about the transaction of his business, any wagon or wagons, the tires on the wheels of which are not less than three (3) inches in width, shall be entitled to a deduction from his annual road tax in the road district in which he resides, to the sum of two (2) dollars, for each and every such wagon used.

Provided, that said deduction shall not exceed the amount of one-half of his road taxes.

Affidavit.

SEC. 2. To entitle any person to a reduction of his road tax as provided in section one (1) of this act he shall, on or before the first day of April in each year, make an affidavit in writing before any officer authorized by law to administer oaths, stating that he has, for the space of twelve (12) months next prior to the date of making such affidavit, continuously used on the public highways in and about the transaction of his business, a wagon or wagons owned by him the tires on the wheels of which are not less than three (3) inches in width, and shall in due time deliver such affidavit to the overseer of roads of the proper road district, and shall at the same time, pay to such overseer of roads the

fee for filing such affidavit in the office of the town clerk of the town in which such road district is situate. The overseer of roads shall on receiving said affidavit, and the fees for filing the same as aforesaid, deduct from the road tax of the person making such affidavit, the sum of two (2) dollars for each and every such wagon as described in section one (1) of this act.

SEC. 3. The overseer of roads to whom such affidavit is delivered as aforesaid shall, in due time after receiving the same, file such affidavit in the office of the town clerk of the town in which such road district is situated.

SEC. 4. This act shall take effect and be in force on and after the first day of January, eighteen hundred and ninety-six (1896).

Approved March 15th, 1895.

CHAPTER 343.

S. F. No. 181.

An act to authorize the use of waters of meandered lakes and streams for protection of cranberry marshes.

Be it enacted by the Legislature of the state of Minnesota:

Cranberry marshes.

SECTION 1. It shall be lawful for any person or persons engaged in the cultivation of cranberries in this state to take from and use so much of the waters of any meandered lake or stream as shall be necessary for the growth and protection of said cranberries in the state of Minnesota.

Provided the taking of said water shall not interfere with any mill right or lower the water of any lake so as to expose decayed vegetation, imperil public health or injure the property of another.

SEC. 2. Before any person can obtain any right under this act, he shall present to the board of county commissioners of the county in which said lake or stream is situate a petition signed by a majority of the property owners whose land abut upon said lake or stream, and obtain from such board of county commissioners their consent, by a resolution adopted by a majority thereof, to his using such waters as aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

S. F. No. 207.

CHAPTER 344.

Logs and timber.

An act to provide a punishment for falsifying log and timber scales and scale bills and using such falsified scale bills.

Be it enacted by the Legislature of the state of Minnesota:

Falsifying records.

SECTION 1. Any person being surveyor general or deputy surveyor general of logs and lumber in any of the lumber districts of this state, or any person employed by any such surveyor general, or deputy surveyor general to aid or assist in scaling any logs or timber, or in making any tally sheet, or other original memorandum of any scale of logs or timber made by any such surveyor general or deputy surveyor general, or any person computing, transcribing, recording, extending, making out or copying any tally sheet or other original memorandum of any such scale, or any scale bill being or purporting to be, a scale bill of any such scale, or any other person who shall knowingly or willfully do, or cause to be done any act whatsoever whereby the scale bill of any such scale shall be made to show otherwise than as the fact is, and any person or persons aiding, abetting, assisting or procuring any such false scale, tally sheet, memorandum or scale bill to be made, or who, knowing, or having good reason to believe, that any scale bill or the scale represented thereby has been in any manner falsified, causes another to pay any money or part with any property upon the belief that such scale bill or the scale represented or purporting to be represented thereby, is true, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state's prison not more than five years nor less than two years, or by imprisonment in a county jail not more than one year nor less than three months, or by fine not exceeding five hundred dollars nor less than one hundred dollars.

Penalty.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

CHAPTER 345.

H. F. No 224.

An act to prevent the obstruction of the public levees, of cities, towns or villages on the navigable waters within and bounding the state, and providing a penalty for any obstruction.

Levees.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That it shall be unlawful for any house-boat, or other craft, not used for the transportation of freight, or passengers, to moor to, or lay at the public levee of any city, town or village, on the navigable waters within and bounding the state, where they will be in the way of, interfere with, inconvenience or endanger the landing, of any freight, passenger, or towing vessel.

Obstructing.

SEC. 2. The owner or, person in charge of any house-boat, or other craft, not used for the transportation of freight or passengers, shall upon notice by the police of any city, town or village, or the owner or agent of any freight, passenger, or towing vessel, that they are obstructing the levee, and are in the way of, interfering with, inconveniencing or endangering the landing of any freight, passenger, or towing vessel, immediately cause the same to be removed or be punished by a fine of fifty (50) dollars, or by imprisonment in the county jail for sixty (60) days.

Penalty.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

CHAPTER 346.

S. F. No 263.

An act to legalize the taking of acknowledgements and other official acts heretofore taken and done by any person previously appointed and acting as a notary public.

Acknowledgments.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That all acknowledgements to any conveyances or other instruments heretofore taken, and all other official acts heretofore done by any person previously appointed, commissioned and then acting as a notary public, be and the same are hereby legalized and made of the same validity as though the term of

Healing act.

office of such officer had not expired at the time of such act, and the same as though the said acting notary public had not been at the time of said act an alien; and the record of all such conveyances or other instruments is hereby declared to be legal and valid and effectual for all purposes.

Provided, that the provisions of this act shall not apply to any action or proceeding now pending in the courts of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

S. F. No. 281.

CHAPTER 347.

Public buildings.

An act to provide for the use of stone in the construction of public buildings for which funds shall be appropriated by the state of Minnesota.

Said stone shall be quarried, cut and dressed within this state.

Be it enacted by the Legislature of the state of Minnesota:

Home quarries to be patronized.

SECTION 1. All natural stone which shall hereafter be used in the construction of public buildings or other structures for which funds shall be appropriated by the state of Minnesota, shall be quarried, cut and dressed within the boundaries of this state;

Provided that this section shall not be construed as prohibiting the use of stone of at least as good a quality for such institutions and buildings, wherever the cost thereof is less than that of native stone.

SEC. 2. The provisions of this act shall in no way prohibit the use of slate, marble or other stone for interior decorations.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved March 21st 1895.

H. F. No. 710.

CHAPTER 348.

An act to authorize the state treasurer to cover into the general revenue fund a certain certificate of deposit now held by him.

Whereas, the state treasurer in the year one thousand eight hundred and seventy-nine (1879) received from A.

H. Kerr, the guardian of one Charles Nelson, who had been prior to his decease a patient of the Minnesota hospital for the insane at Rochester, Minnesota, the sum of four hundred forty-nine (449) dollars and eleven (11) cents; and,

Whereas, no heirs of the said Nelson have been discovered, and the proper probate proceedings have been instituted; and,

Whereas, said fund did, upon the fifteenth (15) day of December, A. D. eighteen hundred and ninety-four (1894), with accumulations of interest, amount to seven hundred twenty-two dollars and twenty-one cents ($722.21), as evidenced by a certificate of deposit of the Merchants National Bank of St. Paul, payable to the order of Joseph Bobleter, state treasurer; now, therefore,

Be it enacted by the Legislature of the state of Minnesota:

Certain unclaimed moneys to be turned into general revenue fund.

SECTION 1. That the state treasurer is hereby authorized to draw the money upon said certificate of deposit and place the same in the general revenue fund of the state;

Provided, that if at any time any court of this state shall adjudge and determine that any party or parties are entitled to the same, the state treasurer may upon the order of said court, pay out the same to the party or parties so adjudged to be entitled to the same; and,

Provided further, that no interest shall be paid upon said sum after the same shall be turned into the general revenue fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 27th, 1895.

CHAPTER 349.

H. F. No. 616.

Seed grain loans.

An act to authorize the state auditor under certain conditions to cancel the accounts arising out of the seed grain loans made by the state in the years eighteen hundred and seventy-seven (1877) and eighteen hundred and seventy-eight (1878), and to enforce payment in certain cases.

Be it enacted by the Legislature of the state of Minnesota:

What and when to be cancelled.

SECTION 1. That the state auditor is hereby authorized to cancel the accounts arising out of the seed grain

loans made by the state during the years eighteen hundred and seventy-seven (1877) and eighteen hundred and seventy-eight (1878) on the following conditions:

First—When the board of county commissioners or a majority of them and the county auditor of any county having received such loan, shall report to the state auditor that the accounts are in their opinion uncollectible, *provided* such report shall specify the amounts unpaid with names of the debtors.

Second—When the county auditor of any county having received such loan shall make a sworn statement to the state auditor that all records in his office pertaining to such loan are either lost or destroyed and is thereby unable to comply with the first condition of this section.

Duty of state auditor.

SEC. 2. The board of county commissioners and county auditor of any county in this state having a record of unpaid accounts arising from the seed grain loans of eighteen hundred and seventy-seven (1877) and eighteen hundred and seventy-eight (1878), shall as soon as practicable after the passage of this act, send to the state auditor a statement showing the accounts which in their opinion are collectible. Said statement shall contain the names and postoffices addresses and the amounts due the state.

The state auditor shall upon receipt of such statement prepare a certified copy thereof, and shall deliver the same to the attorney general. Upon receipt of such certified copy the attorney general shall forthwith institute proceedings against the persons named in such statement in the name of the state, to enforce collection of the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1895.

S. F. No. 587.

CHAPTER 350.

Public examiner.

An act providing for assistants in the office of the public examiner and to increase the contingent fund of that office and to appropriate money therefor.

Be it enacted by the Legislature of the state of Minnesota:

Assistants—salaries.

SECTION 1. The public examiner may appoint a second assistant bank examiner who shall receive a salary of eighteen hundred dollars per annum and an

assistant public examiner who shall receive a salary of fifteen hundred dollars per annum.

The persons so appointed shall each execute to the state a bond with two or more sureties in the penal sum of ten thousand dollars for the faithful discharge of his duties. Bond.

SEC. 2. There is hereby annually appropriated the sum of thirty-three hundred dollars for the payment of the salaries of the persons so appointed, and the further sum of three hundred dollars is hereby annually appropriated to the contingent fund of the public examiner's office for the payment of traveling and other expenses. Appropriation.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 351.

H. F. No. 223.

An act to make the twelfth day of February a legal holiday.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the twelfth day of February, the anniversary of the birthday of Abraham Lincoln, be observed in this state as a legal holiday each and every year hereafter; that no public business, except in cases of necessity, shall be transacted on that day, and that no civil process shall be served on that day. Feb. 12th a legal holiday.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 7th, 1895.

CHAPTER 352.

S. F. No. 278.

An act make the twelfth day of February a legal holiday and to repeal an act entitled an act to make the twelfth day of February a legal holiday, approved February seventh (7th) 1895.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the twelfth (12) day of February eighteen hundred ninety-six (1896) and annually there- Feb. 12th a legal holiday.

after, the anniversary of the birthday of Abraham Lincoln be observed in this state as a legal holiday;

That no public business except in cases of necessity shall be transacted on that day, and

That no civil process shall be served on that day.

SEC. 2. That sections one (1) and two (2) of an act entitled "an act to make the twelfth (12) day of February a legal holiday, approved February seventh (7th) 1895, be and the same is hereby repealed."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 12th 1895.

H. F. No. 451.

CHAPTER 353.

An act to prevent oppressive garnishment and the transferring of claims for the purpose of depriving debtors of their exemption rights.

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Be it enacted by the Legislature of the state of Minnesota:

Oppressive garnishment.

SECTION 1. Whoever, whether principal, agent or attorney, with intent thereby to deprive any bona fide resident of the state of Minnesota of his or her rights, under the statutes of Minnesota, on the subject of the exemption of property from levy and sale on execution, or in attachment or garnishment, sends or causes to be sent out of the state of Minnesota any claim for debt to be be collected by proceedings in attachment, garnishment, or other mesne process, when the creditor, debtor, person, or corporation owing for the earnings intended to be reached by such proceedings in attachment are each and all within the jurisdiction of the courts of the state of Minnesota, shall, upon conviction thereof, be fined for each and every claim so sent in any sum not less than ten (10) dollars nor more than fifty (50) dollars.

SEC. 2. Whoever, either directly or indirectly, assigns or transfers any claim for debt against a citizen of Minnesota for the purpose of having the same collected by proceedings in attachment, garnishment, or other process, out of the wages or personal earnings of the debtor, in courts outside of the state of Minnesota, when the creditor, debtor, person or corporation owing, the money intended to be reached by the proceedings in attachment are each and all within the jurisdiction of the courts of the state of Minnesota, shall, upon conviction thereof be fined in any sum not less than ten

(10) dollars nor more than fifty (50) dollars for each offense.

Non-residents.

SEC. 3. And, whenever in any proceedings in any court of this state to subject the wages due to any person to garnishment, it shall appear that such person is a non-resident of the state of Minnesota, that the wages earned by him were earned outside the state of Minnesota, the said person, whose wages are so sought to be subjected to garnishment, shall be allowed the same exemption as is at the time allowed to him by the law of the state in which he so resides.

SEC. 4. This act to take effect from and after the date of its passage.

Approved April 25th, 1895.

CHAPTER 354.

S. F. No. 489

Amended Chap 307 G.L. 1897

An act providing for the giving of bonds by contractors for public works and improvements and for the better security of the state and the public corporations thereof, and parties performing labor and furnishing material therefor.

Be it enacted by the Legislature of the state of Minnesota:

Bonds of contractors for public works.

SECTION 1. Before any contract whatever for the doing of any work or labor or furnishing of any skill or material to the state of Minnesota, any county, township, village, school district, city or other public corporations of the state, for the erection construction, alteration or repair of any bridge, public building or other public structure, work or improvement, or in the making of any public improvement whatsoever shall be valid for any purpose, the contractor therefor shall enter into a bond with the state or such county, township, village school district city or other public corporation for the use of the same, and also for the use of all persons who may perform any work or labor or furnish any skill or material in the execution of such contract, conditioned to pay as they become due, all just claims for all work and labor performed and all skill and material furnished in the execution of such contract, and also to save the obligee named in such bond harmless from any cost, charge and expense that may accrue on account of the doing of the work specified in such contract and also to complete such contract according to the terms thereof and the contract price, and to comply with all the requirements of law, which bond shall

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101-NW 495
97-M - 487
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be in an amount not less than the contract price agreed to be paid for the performance of such contract and shall be duly signed and acknowledged by such contractor and two or more sufficient sureties, which bond shall be approved by and filed in the office of the treasurer of the obligee therein named, except that the bonds so given on account of the erection of any new building for the state, or the enlargement or improvement of those already in existence, for the several state institutions, the same shall be approved by and filed with those who under authority of the state have respectively the care, control and management of the several state institutions, and except that the bonds so given to any incorporated city shall be approved by the mayor of the city and filed with the contract in the office of the custodian of such contract.

Sureties.

SEC. 2. The sureties on such bond shall take and subscribe an oath that he is a resident of the state of Minnesota and that he is seized in fee of real estate situated in said state and not exempt by law from sale on execution, of the value and worth over and above all incumbrances thereon of the sum for which he is to justify in said bond. More than two sureties may be accepted on such bond and they may justify in separate and different sums less than the sum specified in such bond, *provided* that the aggregate of their justifications shall be equal to sureties, each justifying in a sum equal to the amount of said bond. No assignment of such contract, no modification of the structure or work covered thereby and no extension of the time within which to complete such contract shall have the effect to release the sureties on said bond.

Company as surety.

SEC. 3. Any company organized under chapter one hundred and seven (107) of the general laws of Minnesota for 1883 entitled "An act to authorize the organization and incorporation of annuity, safe deposit and trust companies as amended" and any company referred to in and complying with the provisions of chapter 42 of the general laws of 1893 entitled "An act relative to recognizances, stipulations, bonds, obligations and undertakings and to allow corporations to be accepted as surety thereon" approved April 18th 1893 if satisfactory to the obligee therein may become sole surety under any bond required by this act and in such case so much of the provisions of this act as requires two or more good and sufficient sureties shall be considered to be fully satisfied by the execution of any such bond by such corporation, and none of the provisions of this act relating to sureties or approvals shall be required.

Party in interest.

SEC. 4. Whoever shall perform or cause to be performed any work or labor or furnish or cause to be furnished any skill or material including any work, labor skill or material necessary in the repair of any tool or machine and including the use of any tool or machine or material furnished particularly for such contract and used therefor in the execution or such contract at the request of the contractor, his agents, heirs, administrators, executors or assigns or at the request of any subcontractor, his heirs, agents, administrators, executors or assigns, or at the request of the obligee named in said bond, in case such obligee shall have determined such contract and shall have completed the same at the cost of the contractors shall be considered a party in interest in said bond and may bring an action thereon for the reasonable value or agreed price as the case may be, of the work or labor performed or skill or material or tool or machine furnished in the performance of such contract, such action may be brought by any party authorized as hereinbefore set forth to begin the same, whenever his claims are not paid as the same become due: At the time of bringing such suit the plaintiff therein shall notify the obligee named in said bond, letting such contract, that said suit has been commenced specifying the names of the parties to said suit, the bond upon which the said suit is brought and the amount and nature of plaintiff's claim, and judgment shall not be entered on such action until thirty days after said notice has been given. Any party having a cause of action on such bond may on petition be made a party to any action which may be brought thereon and in said action the court shall adjudicate and determine the right of all parties to said action and if the amount realized on said bond shall not be sufficient to discharge all such claims in full, the amount realized shall be distributed pro-rata in discharge of the claims of the parties in said action, and the obligee named in any such bond shall also be considered a party in interest and may bring an action thereon whenever a right of action thereon in favor of such obligee shall have accrued.

Insolvent or insufficient sureties.

SEC. 5. The obligee named in any such bond, whenever in its judgment one or more of the sureties on such bond have become insolvent or for any cause are no longer proper and sufficient sureties, may require the contractor to furnish a new or additional bond within ten days after notice to that effect; and thereupon if so ordered by such obligee all work on such contract shall cease, or until such new or additional bond shall be furnished as required, and if a new or additional bond shall

not be so furnished as and within the time above required, then said obligee may at its option determine such contract and complete the same as the agent and at the expense of such contractor and bondmen.

SEC. 6. No action shall be maintained on any such bond unless the same shall be commenced within one year after the cause of action accrues.

SEC. 7. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 24th 1895.

S. F. No. 653.

CHAPTER 355.

State reformatory.

An act appropriating money in payment of certain claims held by the Minnesota State Reformatory

Be it enacted by the Legislature of the state of Minnesota:

Appropriation for claims.

SECTION 1. That the sum of two thousand dollars ($2,000) or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the payment to the Minnesota State Reformatory of certain bills rendered to the state on account of stone furnished thereto in the year eighteen hundred ninety-one (1891) in making repairs upon the state capital.

How paid out.

SEC. 2. The moneys hereby appropriated shall be available for the purposes of the Minnesota State Reformatory and be paid out in the manner now provided by law for the payment of the general appropriations made by the legislature for the said institution.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 28th, 1895.

CHAPTER 356.

H. F. No. 879.

An act to appropriate money for additional clerk hire in the office of the secretary of state.

Secretary of state.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That there be and is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of four hundred (400) dollars, for the fiscal year A. D. eighteen hundred and ninety-five (1895), and annually thereafter, as additional clerk hire in the office of secretary of state.

Clerk hire—appropriation.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23rd 1895.

CHAPTER 357.

H. F. No. 817.

An act to appropriate money for the purchase of machinery and materials to be used for certain purposes in the state penitentiary, said appropriation being contingent upon the adoption of the state account system, or for the purchase of the machinery under the "piece price" system.

State penitentiary.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of fifty thousand (50,000) dollars, or so much thereof as may be necessary be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of purchasing machinery and materials for the employment of convicts confined in the state prison at Stillwater.

Appropriation for machinery, &c.

Provided, however, that no part of the said appropriation shall be available for the purposes named in this section unless, the board of managers of the said prison adopt what is known and denominated as the state account or piece price system.

SEC. 2. The state auditor is hereby authorized to draw his warrants for such amounts and in favor of such persons as shall be designated by the board of managers of said prison.

How paid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 856.

CHAPTER 358.

State Horticultural society

An act pertaining to the Minnesota state horticultural society and appropriating money for certain purposes.

Be it enacted by the Legislature of the state of Minnesota:

Reports—distribution.

SECTION. 1. There shall be annually printed and bound three thousand (3,000) copies of the report of the Minnesota state horticultural society, provided the number of printed pages of the same shall not exceed six hundred (600). One thousand (1,000) copies of the same, more or less, as requested by the executive board of said society, shall be printed in monthly installments and bound in paper as a monthly report to be distributed among the members of said society. The remainder shall be bound at the close of the year, three hundred (300) in paper and the balance in cloth, and shall be distributed by the society as follows: One (1) copy to each of the state officers, members of the legislature, clerks and judges of the supreme court, and members of the board of regents and faculty of the state university; ten (10) copies to the state historical society, fifty (50) copies to the state agricultural society, one (1) to each public library in the state and the remaining copies as the Minnesota state horticultural society shall deem best.

How paid for.

SEC. 2. Section two (2), chapter seven (7) of the general laws of eighteen hundred and seventy-four (1874), is hereby amended by inserting after the words, "the printing and binding of all reports," the words, "(except the report of the Minnesota state horticultural society);" and further by annexing to the close of the said section the words, "The report of the Minnesota state horticultural society shall be printed by special contract, with the approval of the president of said society, provided the price paid be not in excess of that paid under the contract for the third (3) class."

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force on and after its passage.

Approved April 2nd, 1895.

CHAPTER 359.

S. F. No 11.

An act to appropriate twenty thousand ($20,000) dollars to aid the sufferers by forest fires during the summer of 1894 in Pine county and adjacent counties of the state of Minnesota.

Forest fire sufferers.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of twenty thousand dollars ($20,000) is hereby appropriated out of any funds of the state treasury not otherwise appropriated to aid the sufferers by fire in Pine county and adjacent counties occasioned by the burning of the forests in said counties during the summer of eighteen hundred and ninety-four, the amount appropriated to be expended under the direction of the Minnesota state commission for relief of fire sufferers.

Appropriation.

SEC. 2. The state auditor is hereby authorized to draw his warrant for the sum appropriated hereby, upon the state treasurer of the state of Minnesota in favor of the chairman of the Minnesota state commission for relief of fire sufferers.

How paid out.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved January 19th, 1895.

CHAPTER 360.

S. F. No. 514.

An act to provide for the erection and maintenance of a hard fiber twine plant at the state prison at Stillwater, Minnesota.

State prison.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The warden of the state prison is hereby empowered by and with the advice and approval of the board of managers of the state prison, at cost not exceeding twenty-five thousand ($25,000) dollars to purchase, erect and maintain the necessary machinery and equipments for the manufacture of twines known as hard fiber twine.

Hard fibre twine industry.

SEC. 2. For the purpose of purchasing and erecting the necessary machinery required to be purchased, erected and used under this act, the warden of the state prison by and with the advice and approval of the "board of managers" is empowered to expend the sum

Appropriation, &c.

of fifteen thousand six hundred and eighty-three ($15,683) dollars remaining in the state treasury and unexpended out of the amount heretofore appropriated for the purchase of a twine plant, and there is hereby also appropriated for the same purpose the sum of nine thousand ($9,000) dollars out of any money in the state treasury not otherwise appropriated or so much thereof as may be necessary.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 25th, 1895.

S. F. No. 411.

CHAPTER 361.

Institute for defectives.

An act to appropriate money for certain purposes to the Minnesota Institute for Defectives.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the sum of three thousand five hundred dollars ($3,500) be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of completing and furnishing a school building in process of erection on the grounds of the school for the feeble-minded at the city of Faribault in this state.

Three thousand dollars ($3,000) of the moneys so appropriated shall be employed in completing the construction of the said building, and the remainder thereof shall be employed in furnishing the same when completed for the use of the said school.

How paid.

SEC. 2. The moneys hereby appropriated shall be and become immediately available upon the passage of this act for the purposes provided in section one thereof, and the state auditor is authorized to draw his warrants for the payment of the same in favor of the person or persons indicated by the order or orders of the board of directors of the said institute.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1895.

CHAPTER 362.

S. F. No. 112.

An act to appropriate money to pay revenue and building bonds issued by the state of Minnesota in 1889 and to repeal the tax levy contained in section 4, chapter 239, general laws 1889.

Revenue and building bonds.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The sum of two hundred fifty thousand (250,000) dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the revenue fund to pay the outstanding revenue and buildings bonds issued by the state of Minnesota in accordance with chapter two hundred and thirty-nine (239) of the general laws one thousand eight hundred eighty-nine.

Appropriation.

SEC. 2. The tax levy of one-tenth of one mill (1-10) provided for in section four (4) of the aforesaid act of chapter two hundred thirty-nine (239) general laws one thousand eight hundred eighty-nine, is hereby repealed.

Tax levy repealed.

SEC. 3. All moneys remaining in the redemption fund, after payment of the bonds as herein provided, and that may hereafter be paid into the state treasury arising from the aforesaid tax levy shall be transferred to the revenue fund.

Transfer of funds.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

CHAPTER 363.

S. F. No. 124.

An act to appropriate moneys arising from the collection of certain seed grain notes to the governor's "contingent" fund, from which said moneys was originally drawn.

Seed grain notes.

Whereas, the governor of the state of Minnesota did at various times in the year eighteen hundred and ninety-four (1894) furnish to farmers in various counties in Minnesota who had lost their crops by hail, seed grain to the amount of two thousand three hundred and sixty-five dollars and thirty-nine cents ($2,365.39), paying for the same out of the "contingent" fund allowed him

Preamble.

by law, and taking as security therefor seed grain notes drawing interest. Therefore,

Be it enacted by the Legislature of the state of Minnesota:

Governor's contingent fund.

SECTION 1. All moneys that may have heretofore accrued or that shall hereafter accrue from the payment of principal or interest of said notes shall be paid into the state treasury to the credit of the governor's "contingent" fund for the fiscal year ending July thirty-first, eighteen hundred ninety-five, and may be drawn upon by the governor as a part of said "contingent" fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 12th, 1895.

S. F. No. 117.

CHAPTER 364.

Deficiencies.

An act to appropriate money for certain deficiencies for the fiscal year ending July thirty-first (31st), one thousand eight hundred and ninety-five (1895).

Be it enacted by the Legislature of the state of Minnesota:

Appropriations.

SECTION 1. That the following sums of money, or so much thereof as may be necessary be and the same are hereby appropriated out of any moneys in the state treasury belonging to the revenue fund.

Judges' salaries.

First. For deficiency for salaries of judges of the supreme court and the several district courts for the two (2) years ending July thirty-first (31st) one thousand eight hundred and ninety-five (1895) the sum of sixty-six thousand (66,000) dollars.

Board of equalization.

Second. For deficiency for expenses of the state board of equalization eight hundred ninety-two, twenty-one hundreths (892.20) dollars.

Supreme court reporter.

Third. For deficiency in salary of the supreme court reporter for the two (2) years ending July thirty-first (31st) one thousand eight hundred and ninety-five (1895), five thousand one hundred sixty-six and 66-100 (5,166.66) dollars.

Assistant librarian.

Fourth. For deficiency in salary of the assistant librarian of law library for the fiscal year ending July thirty-first (31st) one thousand eight hundred and ninety-five (1895) six hundred seventy-five (675) dollars.

Engineer.

Fifth. For deficiency in salary of engineer at the state capitol for the fiscal year ending July thirty-first

(31st) one thousand eight hundred and ninety-five (1895) three hundred (300) dollars.

Sixth. For deficiency in expenses of sheriffs, conveying prisoners to the state prison and reformatory, for the year ending July thirty-first (31st) one thousand eight hundred and ninety-five (1895) two thousand five hundred (2,500) dollars. Sheriffs

Seventh. For deficiency in expenses for burial of soldiers and sailors for year ending July thirty-first (31st) one thousand eight hundred and ninety-five (1895) six hundred (600) dollars. Soldiers and sailors.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 15th, 1895.

CHAPTER 365.

S. F. No. 14.

An act to appropriate money for the expenses of the present session of the legislature. Legislature.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of one hundred and forty thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated from the general revenue fund for the payment of the per diem, mileage and other expenses of the members and officers of the legislature during the present session. Appropriation

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 16th, 1895.

CHAPTER 366.

S. F. No. 28.

An act to appropriate money for the payment of a deficiency in the current expenses of the University of Minnesota for the years eighteen hundred ninety-three (1893) eighteen hundred ninety-four (1894) and eighteen hundred ninety-five (1895). State University.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of sixty thousand dollars or so much thereof as is necessary is hereby appropriated out of any moneys in the state treasury not other- Appropriation.

wise appropriated and payable to the order of the board of regents of the University of Minnesota for the payment of the deficiencies which have occurred in the current expenses of this institution for the years eighteen hundred ninety-three (1893) eighteen hundred ninety-four (1894) and eighteen hundred five (1895).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 29th, 1895.

S. F. No. 80.

CHAPTER 367.

An act to appropriate money for the state public school.

Be it enacted by the Legislature of the state of Minnesota:

Public schools.

SECTION 1. The sum of six thousand ($6,000) dollars be and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of supplying the deficiency in the current expenses of the state public school.

More.

SEC. 2. The sum of five thousand (5,000) dollars be, and the same is hereby appropriated out of any moneys in the state treasury not otherwise appropriated for the purpose of heating, lighting, plumbing and furnishing the new hospital and cottage of the state public school.

How Paid out.

SEC. 3. The said moneys shall be immediately available for the purposes herein named, and payable by the state treasurer in the said manner provided for the payment of the standing appropriations.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 19th, 1895.

S. F. No. 96.

CHAPTER 368.

Camp grounds at Lakeview.

An act to appropriate the sum of five thousand dollars for the improvement of the state camp grounds at Lakeview in Wabasha county, Minnesota.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the sum of five thousand dollars or so much thereof as may be necessary, is hereby ap-

propriated, out of the state treasury any money not otherwise appropriated, for the improvement of the "rifle range," and the construction of necessary buildings on the state camp grounds at Lakeview in Wabasha county, Minnesota.

That of the foregoing appropriation, twenty-five hundred dollars shall be available for the fiscal year ending July 31st, 1895, and twenty-five hundred dollars for the fiscal year ending July 31st, 1896.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 5th, 1895.

CHAPTER 369.

H. F No. 613.

An act to appropriate money to replace and repair tents procured by the state from the United States government for the relief of fire sufferers during the Pine county conflagration.

Fire sufferers.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of nine hundred and thirty (930) dollars or so much thereof as may be needed be and the same is hereby appropriated out of any moneys belonging to the state treasury not otherwise appropriated, for the purpose of replacing and repairing tents procured by the state from the United States government and loaned by the state for the relief of fire sufferers during the conflagration in the county of Pine during the year one thousand eight hundred and ninety-four (1894).

Appropriation to repair tents.

SEC. 2. The state auditor is hereby authorized and directed to draw his warrants upon the state treasurer for the disbursement of the money hereby appropriated in favor of such persons and in such amounts as shall be indicated by the orders of the adjutant general of this state, for the purpose of replacing tents lost or destroyed and repairing those which were injured by by reason of such use.

How paid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

H. F. No. 365.

CHAPTER 370.

Dairymen's Association.

An act to appropriate a sum of money to the Minnesota state dairymen's association.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the sum of two thousand (2,000) dollars, annually, is hereby appropriated to the Minnesota state diarymen's association, to be expended by the executive board of said association for the purpose of disseminating useful knowledge and information to the dairy industry of this state, making exhibits of dairy products, paying premiums, publishing reports of meetings, essays, and discussions relating to dairy matters.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

H. F. No. 184.

CHAPTER 371.

State lands.

An act to appropriate money for a deficiency for examining state lands and timber, for the fiscal year ending July thirty-first (31) eighteen hundred and ninety-five (1895).

Be it enacted by the Legislature of the state of Minnesota:

Appropriation for examination.

SECTION 1. That the sum of nine thousand (9,000) dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, belonging to the general revenue fund, for the payment of any expenses that may be incurred or have been incurred, in examining, appraising and selling state land, estimating pine and other timber, scaling pine and other timber from tops stumps and tops or otherwise, which has been heretofore scaled on state lands; or which may be done on state lands cut during logging season of eighteen hundred and ninety-four (1894) and eighteen hundred and ninety-five (1895).

Provided that twelve hundred (1200) dollars of the above sum or so much thereof as may be necessary shall be used for the purpose of making a complete new set of stumpage records, showing all entries of past transactions so far as possible to determine.

Provided further, that the sum of four hundred forty-six (446) dollars of the above sum shall be used to defray the unpaid bills incurred by the pine land investigating committee for scaling timber cut from state land, upon properly attested vouchers as provided in Joint Resolution number five (5) general laws eighteen hundred ninety-three (1893).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 19th, 1895.

CHAPTER 372.

H. E. No. 112.

An act to appropriate money to purchase a safe and fixtures for the vault in the state treasurer's office.

State treasurer

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The sum of one thousand (1,000) dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the revenue fund to purchase a safe and fixtures for the vault in the office of the state treasurer. Such safe and fixtures to be purchased under the direction of the state treasurer.

Appropriation for vault.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

CHAPTER 373.

S. F. No. 504.

An act to provide for the purchase of land for the third hospital for the insane at Fergus Falls and to appropriate money therefor.

Insane hospital

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the state auditor shall immediately upon the passage of this act cause to be appraised those certain tracts of state internal improvement lands situated in Otter Tail county and described as follows:

Sale of lands.

Lots nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) of the state subdivision of the s. e. one-quarter (¼) of section twenty-

seven (27), township one hundred thirty-three (133) n. of range forty-three (43) west. Upon such appraisal being made, it shall be the duty of the state auditor to provide for the sale of the said several tracts in the manner now provided for the sale of school lands.

Sale to state.

SEC. 2. The board of trustees of the Minnesota State Hospital for the Insane are hereby authorized to select some member of their board to appear at said sale on behalf of the state of Minnesota and to purchase said tracts of land for the uses and purposes of the Fergus Falls state hospital. The governor is hereby authorized and directed on payment to the state of the purchase price of said tracts, to convey and execute a conveyance thereof, to the board of trustees of the Minnesota State Hospital for the insane to be by said board held in its official capacity for the use and benefit of the said Fergus Falls state hospital.

Appropriation for purchase.

SEC. 3. That the sum of five thousand dollars ($5.000) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of purchasing the said tracts of lands, and the state auditor is hereby authorized and directed to issue his warrant in favor of the governor upon the state treasurer for the aggregate amount for which said several tracts of land may be sold. The governor shall thereupon pay into the state treasury the sum expressed in said warrant and the same shall be credited to the proper fund. Any residue of the appropriation hereby made after the purchase of the said tracts of land, shall be at once returned by the state treasurer to the general revenue fund.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

H. F. No. 764.

CHAPTER 374.

General Statutes 1894.

An act to provide for the purchase and disposition of general statutes eighteen hundred and ninety-four (1894).

Be it enacted by the Legislature of the state of Minnesota:

Purchase by state.

SECTION 1. The secretary of state is hereby authorized to purchase of the publishers of the general statutes eighteen hundred ninety-four (1894) five hundred

(500) copies of said statutes, provided the same can be purchased at a price not exceeding ten (10) dollars per set of two (2) volumes.

SEC. 2. Of the books so purchased disposition shall be made as follows, viz.:

How distributed.

One (1) copy to each judge of the supreme court, each judge of the district courts, each judge of the municipal courts, each state officer, each judge of probate, and each clerk of the district courts. All such copies to remain the property of the state and to be turned over to the successors in such offices.

The copies furnished to the clerks of court shall be kept in the court rooms during sessions of the court and at all other times shall remain in the custody of said clerks of court, in the same manner as is provided in section twenty-two hundred and eighty-nine (2289) general statutes eighteen hundred and ninety-four (1894) for the care and custody of the Minnesota Supreme Court Reports in the hands of said clerks of court. Of the remaining copies, five (5) shall be placed in the supreme court room, ten (10) in the state library, and ten (10) copies in the law library of the state university.

A sufficient number of copies shall be retained for the use of the Legislature, and if any copies remain in the hands of the secretary of state after such disposition, such residue may be disposed of to any citizens of this state for their own use at the price paid for the same by the state, in no case more than one copy to the same individual, except to counties or towns for the use of their respective officers. And the proceeds of such sales shall be turned over to the state treasurer for the benefit of the general fund.

Omissions.

SEC. 3. Should any copies of the general statutes eighteen hundred ninety-four (1894) have been purchased for the use of the Legislature previous to the passage of this act, such number of copies may be omitted from the purchase hereby authorized.

Appropriation.

SEC. 4. The sum of five thousand (5,000) dollars, or so much as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

S. F. No. 636.

CHAPTER 375.

Fort Ridgely monument.

An act for an appropriation for the erection of a suitable monument to mark the site of Fort Ridgely and to commemorate the siege of the same by the Sioux Indians in the year one thousand eight hundred and sixty-two.

Preamble—history of the fight.

Whereas, about the year one thousand eight hundred and fifty-one Fort Ridgely was erected by the United States government on the upper waters of the Minnesota river, in the then territory of Minnesota.

Said fort when erected was an extreme frontier post, and was in the heart of the country occupied by the Indians.

It was designed as a protection to the inhabitants of Minnesota from such Indians, as the said territory was then being rapidly settled by the whites and had promise of a large future growth.

In August one thousand eight hundred and sixty-two part of one company of the Fifth Regiment of Minnesota volunteer troops, which had been mustered into the United States service for the suppression of the rebellion, was stationed there.

When the great Sioux outbreak occurred at the Sioux agencies, a short distance up the Minnesota river from the fort, and Capt. John F. Marsh who was in command at the post, was, on August eighteenth, one thousand eight hundred and sixty-two, killed with twenty-four of his men on a march to relieve the agencies.

On the twentieth of August, one thousand eight hundred and sixty-two, the fort was attacked by a large body of Indians, who were repulsed with one hundred and one men of companies "B" and "C" of the Fifth Minnesota regiment and eighty citizens, under the command of Capt. T. J. Sheehan, who continued in command of said fort during the trying occurrence following.

On the twenty-first of August, one thousand eight hundred and sixty-two, two further attacks were made on the fort, one in the morning, and the other in the afternoon, in both of which the Indians were repulsed.

On the twenty-second of August a desperate assault was made on the fort by the combined forces of the Indians, which lasted for five hours and, as related by an official historian of the war, "was bitterly fought and courageously and intelligently resisted," and resulted in the defeat of the savages.

The stubborn resistance offered by Fort Ridgely was

largely instrumental in saving the state of Minnesota from devastation and destruction by the Sioux.

After the war was over the fort was totally abandoned and fell into private ownership.

All its buildings were either burned or dismantled by surrounding settlers and not a vestige of it remains.

The site of the old fort is historical, and the recollections of the events which transpired there are endeared to our state, and it is the great desire of the people of the state of Minnesota that the memory of the important part it played in the early settlement of the state should be perpetuated to future generations, which can best be done by the purchase of a piece of land embracing the actual locality where the buildings once stood, together with the parade grounds, which would not require more than ten acres.

This can be obtained from the present owner.

On this land should be erected an appropriate monument with suitable inscriptions similar to those which have been erected on the Custer and other battle fields by the United States government. Therefore,

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, for the purpose of purchasing not to exceed ten acres of land, which land shall embrace the site of the buildings which constituted Fort Ridgely, in the county of Nicollet, together with the parade ground of said fort and for the erection thereon at some appropriate point within said parade ground, as near the site of the flagstaff of said fort as possible, a suitable monument of stone and bronze, with appropriate inscriptions thereon, to commemorate the attacks on said fort by the Sioux Indians in the year one thousand eight hundred and sixty-two, and to protect said monument when erected. Appropriation.

SEC. 2. The governor of this state is hereby directed to appoint a commission of seven persons, two of whom shall reside in the city of St. Paul, two in Nicollet county, one in Winona, one in Renville county and one in Redwood county, who shall have full power to purchase said land in the name of the state of Minnesota and to design and erect said monument thereon, and to place thereon such inscriptions as in their judgment will carry out the spirit and intent of this act. Commission to purchase site, &c,

SEC. 3. That the treasurer of this state shall pay any moneys not exceeding the sum of three thousand dol- How paid.

lars for the purposes aforesaid, on the warrant or order of said commission or a majority of it.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

S. F. No. 739.

CHAPTER 376.

Birch Coulie.

An act appropriating money for the purchase and conveyance to the state of a portion of the battlefield of Birch Coulie, in Renville county, the removal thereto of the Birch Coulie monument, and the correction of certain inscriptions on said monument.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the sum of twelve hundred dollars ($12,000), or so much thereof as shall be necessary, is hereby appropriated out of any sum or sums in the state treasury not otherwise appropriated for the purchase of a portion of the land in Renville county, not less than five nor more than ten acres, on which the battle of Birch Coulie was actually fought, and for the removal to and thereupon of the monument known as the Birch Coulie monument, now standing about one mile and a half distant from said battle ground, and for the correction of certain inscriptions on said monument as hereinafter prescribed.

Purchase of site.

SEC. 2. The adjutant general of the state is hereby directed to purchase, either by himself or by his duly appointed agent, the said portion of land, which, as nearly as can be determined, shall include at least a part of the actual battle ground known as the "corral," whereon certain soldiers and citizens of the state contended so long and so heroically against a vastly superior force of Sioux Indians, Sept. second and third, eighteen hundred and sixty-two, and whereon so many of said soldiers and citizens gave up their lives or were stricken with wounds.

Provided, however, that if the adjutant general or his agent cannot procure the said land from its owner or owners at its fair and reasonable value, then it shall be and is hereby made the duty of the attorney general of the state to institute condemnatory proceedings and conduct the same to a determination according to law, and have the said land condemned to the state for the uses and purposes herein mentioned.

Same.

SEC. 3. Upon the presentation to the state auditor of a deed of conveyance of the said land, together with the written official opinion of the attorney general of the state that such deed of conveyance will vest an absolute and perfect title in the state to said land, the state auditor shall issue a warrant on the state treasurer for the purchase price thereof; and thereafter said land shall forever remain the property of the state and in its custody for the uses and purposes herein mentioned.

Provided that the state may hereafter enclose, improve and adorn the land, but no inscription shall ever be placed upon any structure thereon which does not conform to the official records of the state and to the facts of authoritative history.

Removal of present Birch Coulie monument.

SEC. 4. The adjutant general, or his agent, is further directed to procure the removal of the monument known as the Birch Coulie monument, now standing as aforesaid, to the site acquired under the provisions of this act, and to cause the said monument to be durably and permanently placed and set on the said acquired site, to-wit: A portion of the "corral" or actual battle ground whereon was fought the battle of Birch Coulie.

Correction of inscription.

SEC. 5. The adjutant general, or his agent, shall cause all incorrect inscriptions on said monument to be so changed, amended and corrected as to conform to and with the truths of history, as shown by official and other authoritative records, and may make any proper additions thereto, so that as a whole the inscriptions shall declare historical facts and show the state's appreciation of the gallant conduct and services of its officers, soldiers, and citizens who participated in the battle of Birch Coulie.

In particular, said inscriptions shall show the established facts that Major Joseph R. Brown, of the state militia, was in general command of the state's forces and that Captain H. P. Grant, of Company A, Sixth regiment of Minnesota infantry, and Captain Joseph Anderson, of the "Cullen Frontier Guards," (cavalry) were in subordinate commands of companies at and in the battle of Birch Coulie.

Report by adjutant general.

SEC. 6. Upon the completion of the duties and services assigned him by the provisions of this act, the adjutant general shall make a report of the services performed and the work done by him or his agent, which report shall include the cost of the land purchased and an itemized statement of the expenses incurred of the removal of the monument and in the corrections and emendations of the inscriptions thereon.

Said report shall be duly verified and addressed to the governor and state auditor, and on its approval by them shall be filed with the secretary of state, and the sum or sums shown thereby to be due or owing by the state shall be paid by the warrants of the state auditor upon the state treasurer;

Provided, that in the aggregate the amount is not in excess of the appropriation made by this act, that is to say, the sum of twelve hundred dollars, ($1200.00).

SEC. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1895.

H. F. No. 584.

CHAPTER 377.

Road and bridge fund.

An act to appropriate the income derived from the investments in the internal improvement land fund to the internal improvement or road and bridge fund.

Be it enacted by the Legislature of the state of Minnesota:

Income from internal improvement land fund transferred.

SECTION 1. That the income derived from all investments now in the internal improvement land fund or that may hereafter accrue to said fund from sales of land or otherwise, be and the same is hereby set aside and appropriated to the internal improvement, or road and bridge fund.

How used.

SEC. 2. The moneys hereby appropriated shall be used only for making public roads and building bridges on public roads within this state in such amounts and in the manner as the legislature of the state may direct.

Exceptions.

SEC. 3. Nothing in this act contained shall operate to affect or abrogate the right of any person to have his claim or claims adjusted and settled, as provided by chapters one (1) and seventy-one (71), general laws, extra session eighteen hundred and eighty-one (1881), or to revive any claim heretofore barred or extinguished by the provisions of any law of this state; but every valid claim shall, when approved, be paid as now provided by law.

Submitted to people.

SEC. 4. This act shall be submitted to the electors of the state of Minnesota at the next general election to be held therein and shall take effect and be in force from and after its approval by a majority of the electors of the state voting at said election.

Ballot.

SEC. 5. The ballots used at said election shall have printed thereon "For the act appropriating the income from internal improvement land fund to the internal improvement, or road and bridge fund—yes—no," and each elector voting on said proposition shall make a cross mark thus: (X) in one of the two spaces left for the purpose upon the margin of the ballot used at said election, as provided in section thirty-four (34) of chapter four (4) of the general laws of eighteen hundred ninety-one (1891). The elector desiring to vote for said proposition shall make a cross mark thus: (X) in the space so left opposite the word "Yes," and the elector desiring to vote against said proposition shall make a cross mark thus: (X) in the space left opposite the word "No," and no ballot shall be counted on said amendment except those having said cross mark (X) opposite one only of said words "Yes" or "No."

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

CHAPTER 378.

H. F. No. 876.

General appropriation act.

An act to appropriate money for the general expenses of the state government, and for other purposes therein named.

Be it enacted by the Legislature of the state of Minnesota.

Fiscal year ending July 1896.

SECTION 1. That the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any moneys in the state treasury, not otherwise appropriated, for the fiscal year ending July thirty-first (31), eighteen hundred and ninety-six (1896).

First—For expenses examining, appraising and selling state lands, estimating and scaling pine timber, detecting trespass upon and caring for the public lands belonging to the state, for inspecting the output of iron ore and other minerals on state lands, and for expenses incurred in prosecution for trespass upon the public lands of the state, fifteen thousand dollars ($15,000.00).

Second—For fees of registers and receivers of the United States land offices in making abstracts of final entries of public lands for taxation, as provided by section one hundred and eighteen (118) of the general tax law, five hundred dollars ($500.00).

Third—For payment of fees of referees of district

courts, as provided by chapter fifty-five (55) of the general laws of eighteen hundred and eighty-five (1885), one thousand dollars ($1,000.00).

Fourth—For the payment of costs of suits instituted by the attorney general on behalf of the state, and for costs incurred by him in suits instituted against the state, five hundred dollars ($500.00).

Fifth—For the payment of expenses of requisition of fugitives from justice, and rewards for detecting criminals, one thousand dollars ($1,000.00).

Sixth—For the payment of rewards for arrests and conviction of horse thieves, two thousand dollars ($2,000.00).

Seventh—For expenses of sheriffs conveying prisoners to state prison and reformatory, six thousand five hundred dollars ($6,500.00).

Eighth—For payment of express and exchange on remittances of county treasurers to state treasurer and expenses collecting bonds and coupons, one thousand dollars ($1,000.00).

Ninth—For mileage and per diem of the state board of equalization, twenty-five hundred dollars ($2,500.00).

Tenth—For payment of bounty for killing wolves, as provided by chapter one hundred and forty-seven (147) of general laws of eighteen hundred and ninety-three (1893), ten thousand dollars ($10,000.00).

Eleventh—For allowance for extra land clerks in state auditor's office, additional, twenty-seven hundred dollars ($2,700.00).

Twelfth—For allowance for extra auditor's clerks in the state auditor's office, additional, one thousand dollars ($1,000.00).

Thirteenth—For additional clerk hire in the office of the state treasurer for the fiscal year ending July thirty-first (31), eighteen hundred and ninety-five (1895), and annually thereafter, nine hundred dollars ($900.00).

Fourteenth—For salary of state librarian's assistant appointed under chapter twelve (12), general laws of eighteen hundred and ninety-three (1893), nine hundred dollars ($900.00).

Fifteenth—For extra janitors of the state capitol, additional, thirteen hundred dollars ($1,300.00).

Sixteenth—For repairs and furnishing capitol, three thousand dollars ($3,000.00).

Seventeenth—For fuel and lights, water, ice, etc., for the state capitol, four thousand eight hundred dollars ($4,800.00).

Eighteenth—For rent of telephone instruments, two hundred dollars ($200.00).

Nineteenth—For the expenses of the horticultural society for the fiscal year ending July thirty-first (31), eighteen hundred and ninety-six (1896), and annually thereafter, in addition to the annual appropriation of one thousand dollars ($1,000.00) already made, which is hereby confirmed and re-enacted, five hundred dollars ($500.00).

Twentieth—For additional salary for the engineer at the state capitol as authorized by chapter ninety-nine (99), general laws of eighteen hundred and ninety-three (1893), three hundred dollars ($300.00).

Twenty-first—For the Minnesota Forestry Association to be expended by said association for the promotion and encouragement of raising forest trees on the open prairie, for the free distribution of forest seeds and plants to such citizens of the state as will follow its instructions, and in the preparation of new editions of the Forest Tree Planters' Manual, together with other forestry literature containing plain and concise information for the people upon practical forestry and in payment of actual necessary expenses of the officers, three thousand dollars ($3,000); *provided*, that no part of this appropriation shall be paid for salaries of officers of such association; and

Provided further, that an itemized account of all expenditures of this appropriation shall be reported to the governor at the end of each fiscal year; fifteen hundred dollars ($1,500.) available in the year ending July thirty-first (31), eighteen hundred and ninety-six (1896), and fifteen hundred dollars ($1,500) for the year ending July thirty-first (31), eighteen hundred and ninety-seven (1897).

Fiscal year ending July 31, 1897.

SEC. 2. That the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any moneys in the state treasury not otherwise appropriated, for the fiscal year ending July thirty-first (31), eighteen ninety-seven (1897).

First—For expenses examining, appraising and selling state lands, estimating and scaling pine timber, detecting trespass upon and caring for the public lands belonging to the state, for inspecting the output of iron ore and other minerals on state lands, and for expenses incurred in prosecutions for trespass upon the public lands of the state, fifteen thousand dollars ($15,000).

Second—For fees of registers and receivers of the United States land offices in making abstracts of final entries of public lands for taxation, as provided by section one hundred and eighteen (118) of the general tax law, five hundred dollars ($500).

Third—For the payment of fees of referees of district courts, as provided by chapter fifty-five (55) of the general laws of eighteen hundred and eighty-five (1885), one thousand dollars ($1,000).

Fourth—For the payment of costs in suits instituted by the attorney general on behalf of the state, and for costs incurred by him in suits instituted against the state, five hundred dollars ($500).

Fifth—For the payment of expenses of requisition of fugitives from justice, and rewards for detecting criminals, one thousand dollars ($1,000).

Sixth—For payment of rewards for arrests and conviction of horse thieves, two thousand dollars ($2,000).

Seventh—For expenses of sheriffs conveying prisoners to state prison and reformatory, six thousand five hundred dollars ($6,500).

Eighth—For payment of express and exchange on remittances of county treasurers to state treasurer and expenses collecting bonds and coupons, one thousand dollars ($1,000).

Ninth—For mileage and per diem of the state board of equalization, twenty-five hundred dollars ($2,500).

Tenth—For payment of bounty for killing wolves, as provided by chapter one hundred and forty-seven (147), general laws of eighteen hundred and ninety-three (1893), ten thousand dollars ($10,000).

Eleventh—For allowance for extra land clerks in the state auditor's office, additional twenty-seven hundred dollars ($2,700).

Twelfth—For allowance for extra auditor's clerks in the state auditor's office, additional one thousand dollars ($1,000).

Thirteenth—For salary of state librarian's assistant appointed under chapter twelve, general laws eighteen hundred and ninety-three (1893), nine hundred dollars ($900).

Fourteenth—For additional salary for the engineer of the state capitol, as authorized by chapter ninety-nine (99), general laws eighteen hundred and ninety-three (1893), three hundred dollars ($300).

Fifteenth—For extra janitors of the state capitol, additional thirteen hundred dollars ($1,300).

Sixteenth—For repairs and furnishing capitol, three thousand dollars ($3,000).

Seventeenth—For fuel and lights, water, ice, etc., for the state capitol, four thousand eight hundred dollars ($4,800).

Eighteenth—For rent of telephone instruments, two hundred dollars ($200).

Fiscal year ending July 31, 1897—other purposes.

SEC. 3. That the following sums of money, or as much thereof as may be necessary, are hereby appropriated from any moneys in the state treasury belonging to the general revenue fund not otherwise appropriated, for the following purposes, for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896):

First—For printing, advertising and binding, as may be provided by contract for the five (5) classes of printing for the several state departments and officers, twenty thousand dollars ($20,000).

Second—For the purchase of stationery for the several state departments, and paper for public printing, six thousand dollars ($6,000).

Third—For the purchase of Minnesota reports as provided by law, three thousand four hundred dollars ($3,400).

Fourth—For expenses in selecting and examining swamp lands for the grant to state institutions, five thousand dollars ($5,000).

Other purposes

SEC. 4. That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the state treasury belonging to the general revenue fund not otherwise appropriated, for the following purposes, for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

First—For printing, advertising and binding as may be provided by contract for the five (5) classes of printing for the several state departments and officers, thirty thousand dollars ($30,000).

Second—For the purchase of paper for the several state departments and paper for public printing, ten thousand dollars ($10,000).

Third—For publishing synopsis of constitutional amendments for the year eighteen hundred and ninety-six (1896), nineteen hundred and twenty dollars ($1,920).

Fourth—For printing first half of volume three (3) of report of the geological and natural history survey of Minnesota, nine thousand one hundred dollars ($9,100).

Fifth—For second half of volume three (3) of the geological and natural history survey of Minnesota, seven thousand dollars ($7,000).

Sixth—For purchase of Minnesota reports, three thousand four hundred dollars ($3,400).

Seventh—For expenses in selecting and examining swamp lands for the grant to state institutions, five thousand dollars ($5,000).

Eighth—For extra help to care for ventilating system and electric light dynamos during the legislative session of eighteen hundred and ninety-seven (1897), six hundred and twenty dollars ($620).

Other purposes

SEC. 5. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the following purposes:

First—For publishing the laws of the legislature of eighteen hundred and ninety-five (1895), in the newspapers of the state, forty thousand dollars ($40,000).

Second—(A) To provide for the expense of preserving the forests of the state and for the prevention of forest fires and prairie fires, for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), six thousand dollars ($6,000).

(B) To provide for the expense of preserving the forests of the state and for the prevention of forest and prairie fires, for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897), six thousand dollars ($6,000).

Third—State Historical society, for additional expenses, one thousand dollars ($1,000).

Fourth—Balance due Thomas E. Coatey on contract for vault furniture on file in state auditors' office, ninety-eight dollars and thirty-three cents ($98.33).

Fifth—For the expenses of the state conference of charities and corrections, three hundred dollars ($300) for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), and annually thereafter.

Sixth—For the compensation of assessors for making returns in accordance with chapter one hundred and thirteen (113) of the general laws of eighteen hundred and eighty-five (1885), one thousand six hundred dollars ($1,600).

Seventh—For reimbursing national guard fund for expenses incurred during the railroad strike, four thousand four hundred and twenty-four dollars and eight cents ($4,424.08), one-half available in eighteen hundred and ninety-five (1895), and one-half in eighteen hundred and ninety-six (1896).

Eighth—For the relief of fire sufferers in Pine and adjacent counties, payable to the order of the Minnesota State Fire Relief commission, for the purchase of seed, etc., ten thousand dollars ($10,000).

Ninth—For the school for the deaf, for deficiency in current expense appropriations for the fiscal years eighteen hundred and ninety-four (1894) and eighteen

hundred and ninety-five (1895), four thousand dollars ($4,000).

Tenth—For the school for feeble-minded, for deficiency in current expense appropriations for the fiscal years eighteen hundred and ninety-four (1894) and eighteen hundred and ninety-five (1895), seven thousand dollars ($7,000).

Eleventh—For the state public school. (A) For the state agency for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), three thousand dollars ($3,000). (B) For the state agency for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897), three thousand dollars ($3,000).

Correctional and charitable institutions.

SEC. 6. Appropriations for current expenses of the state correctional and charitable institutions.

The following sums of money are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the current expenses of the institutions named for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), in addition to annual appropriations heretofore established by law.

First—For the St. Peter's hospital, thirty-six thousand dollars ($36,000).

Second—For the Rochester state hospital, forty-six thousand four hundred dollars ($46,400).

Third—For the Fergus Falls state hospital, one hundred and thirty-six thousand six hundred dollars ($136,600).

Fourth—For the school for the deaf, sixteen thousand four hundred dollars ($16,400).

Fifth—For the school for the blind, seven thousand three hundred and fifty dollars ($7,350).

Sixth—For the school for the feeble-minded, forty thousand five hundred dollars ($40,500).

Seventh—For the state public school, nineteen thousand dollars ($19,000).

Eighth—For the state training school, twenty thousand dollars ($20,000).

Ninth—For the state reformatory, thirty-one thousand nine hundred dollars ($31,900).

Tenth—For the state prison, twenty-three thousand dollars ($23,000).

Others.

SEC. 7. The following sums of money are hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for current expenses of the institutions named for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-seven

(1897), in addition to annual appropriations heretofore established by law:

First—For St. Peter's hospital, thirty-six thousand dollars ($36,000).

Second—For the Rochester state hospital, forty-six thousand four hundred dollars ($46,400).

Third—For the Fergus Falls state hospital, one hunand fifty-one thousand dollars ($151,000).

Fourth—For the school for the deaf, seventeen thousand five hundred dollars (($17,500).

Fifth—For the school for the blind, nine thousand three hundred dollars ($9,300).

Sixth—For the school for feeble-minded, sixty thousand dollars ($60,000).

Seventh—For the state public school, nineteen thousand dollars ($19,000).

Eighth—For the Minnesota state training school, twenty thousand dollars ($20,000).

Ninth—For the state reformatory, thirty-one thousand nine hundred dollars ($31,900).

Tenth—For the state prison, twenty-eight thousand dollars ($28,000).

Repairs and improvements.

SEC. 8. Appropriations for extraordinary repairs and improvements.

The following sums of money are hereby appropriated out of any funds in the state treasury not otherwise appropriated, for the extraordinary improvements and repairs for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896).

First—For the St. Peter state hospital, five thousand dollars ($5,000).

Second—For the Rochester state hospital, five thousand dollars ($5,000).

Third—For the Fergus Falls state hospital, four thousand dollars ($4,000).

Fourth—For the soldiers' home, two thousand dollars ($2,000).

Fifth—For the school for the deaf, two thousand dollars ($2,000).

Sixth—For the school for the blind, six hundred dollars ($600).

Seventh—For the school for feeble-minded, two thousand dollars ($2,000).

Eighth—For the state public school, one thousand four hundred dollars ($1,400).

Ninth—For the Minnesota state training school, two thousand five hundred dollars ($2,500).

Tenth—For the state reformatory, one thousand eight hundred dollars ($1,800).

Eleventh—For the state prison, two thousand five hundred dollars ($2,500).

Same for institutions.

SEC. 9. The following sums of money are hereby appropriated out of any funds in the state treasury, not otherwise appropriated, for extraordinary improvements and repairs for the institutions named, for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

First—For the St. Peter's state hospital, five thousand dollars ($5,000).

Second—For the Rochester state hospital, five thousand dollars ($5,000).

Third—For the Fergus Falls state hospital, four thousand dollars ($4,000.)

Fourth—For the soldiers' home, two thousand dollars ($2,000).

Fifth—For the school for the deaf, two thousand dollars ($2,000).

Sixth—For the school for the blind, six hundred dollars ($600).

Seventh—For the school for feeble-minded, two thousand dollars ($2,000).

Eighth—For the state public school, one thousand four hundred dollars ($1,400).

Ninth—For the Minnesota state training school, two thousand five hundred dollars ($2,500).

Tenth—For the state reformatory, one thousand eight hundred dollars ($1,800).

Eleventh—For the state prison, two thousand five hundred dollars ($2,500).

State University and School of Agriculture.

SEC. 10. Appropriations for the state university and school of agriculture.

That the following sums of money, or so much thereof as may be necessary, be and the same hereby are appropriated out of any moneys in the state treasury not otherwise appropriated, as follows:

First—For the erection of a dormitory and dining hall for the school of agriculture, forty-two thousand five hundred dollars ($42,500).

Second—For the erection of an addition to the dairy hall and equipment of the same at the school of agriculture, fifteen thousand dollars ($15,000).

Third—For the creation of buildings at the experimental station at the school of agriculture, for poultry house with equipment, blacksmith shop, and for the care of sheep and swine, seven thousand dollars ($7,000).

Fourth—For the erection of a building for the histological and pathological laboratory for the college of pharmacy and for the apparatus and equipment of the

same, forty thousand dollars ($40,000); one-half to be available for the year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), and one-half for the year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

Fifth—For the erection of an observatory and telescope at the state university, ten thousand dollars ($10,000) for the year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

Sixth—For the erection of an assembly and drill hall at the state university and for equipment of the same, seventy-five thousand dollars ($75,000); one-half to be available for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), and one-half for the year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

Seventh—For the purchase of books for the general university library, twenty thousand dollars ($20,000); one-half available for the year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), and one-half for the year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

Normal schools

Eighth—For the normal school at Moorhead.

(a) For sewer and improvement of grounds, plumbing, repairs, window screens, fire escape to dormitory and concrete floors for basement of Normal Home, nine thousand one hundred and fifty dollars ($9,150). Eight thousand dollars ($8,000) to become available for the year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), and eleven hundred and fifty dollars ($1,150) the year ending July thirty-first (31st) eighteen hundred and ninety-seven (1897).

(b) For furnishing Normal Home, three thousand dollars ($3,000).

(c) For library and museum, fixtures, books and apparatus, two thousand five hundred dollars ($2,500).

(d) For instruments to laboratory, two hundred and fifty dollars ($250).

Ninth—For the St. Cloud Normal School.

For building addition complete and for changes, repairs, heating, etc., for main building, twenty-five thousand dollars ($25,000), and the normal board shall not exceed this appropriation. Twelve thousand five hundred dollars ($12,500) thereof to be available July thirty-first (31st), eighteen hundred and ninety-six (1896), and twelve thousand five hundred dollars ($12,500), to be available July thirty-first (31st), eighteen hundred and ninety-seven (1897).

Tenth—For Mankato Normal School.

For deficiency in heating and furnishing, for repairs

upon main building, seven thousand five hundred dollars ($7.500).

Eleventh—For the Winona Normal School.

For completing and heating east wing, twenty-two thousand dollars ($22,000).

Miscellaneous.

SEC. 11. Miscellaneous Appropriations, Normal Schools, etc.

That the following sums of money or as much thereof as may be necessary, are hereby appropriated, from any moneys in the state treasury not otherwise appropriated, for the following purposes:

First—For the normal school at Moorhead, additional allowance for miscellaneous expenses, one thousand dollars ($1,000.00) for each of the fiscal years ending July thirty-first (31), eighteen hundred and ninety-six (1896) and July thirty-first (31), eighteen hundred and ninety-seven (1897).

Second—For the normal school at St. Cloud, additional allowance for miscellaneous expenses, two thousand dollars ($2,000.00), for each of the fiscal years ending July thirty-first (31), eighteen hundred and ninety-six (1896) and July thirty-first (31), eighteen hundred and ninety-seven (1897).

Third—For the normal school at Mankato, additional allowance for miscellaneous expenses, two thousand dollars ($2,000.00) for each of the fiscal years ending July thirty-fist (31), eighteen hundred and ninety-six (1896) and July thirty-first (31), eighteen hundred and ninety-seven (1897).

Fourth—For the normal school at Winona additional allowance for miscellaneous expenses, two thousand dollars ($2,000.00) for each of the fiscal years ending July thirty-first (31), eighteen hundred and ninety-six (1896) and July thirty-first (31) eighteen hundred and ninety-seven (1897).

Fifth—For the state university for the improvement of campus, twelve thousand five hundred dollars ($12,500.00).

Sixth—For the state university for the suport of the school of mines, five thousand (5,000.00) dollars for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896), and annually thereafter five thousand (5,000) dollars.

Buildings.

SEC. 12. Appropriation for buildings, improvements, etc., for state institutions. That the following sums of money or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the state treasury not otherwise appropriated:

First—For the St. Peter state hospital:

A. For remodeling closets, ventilation, sewerage, etc., ten thousand dollars ($10,000.00).

B. For electric light service and repairing heating plant, ten thousand dollars ($10,000).

C. For new pump house and boilers, four thousand seven hundred dollars ($4,700).

D. For fire alarm and fire apparatus, two thousand five hundred dollars ($2,500).

E. For furnishing wards, one thousand five hundred dollars ($1,500).

F. For slaughter house and feeding stable, three thousand dollars ($3,000).

Of which sum, sixteen thousand dollars ($16,000) shall be available for the year ending July thirty-first (31), eighteen hundred and ninety-five (1895), and the remainder for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896).

Second—For the Rochester state hospital.

A. For congregate dining hall, chapel and amusement hall, forty thousand dollars ($40,000), of which sum twenty thousand dollars ($20,000) shall be available for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-five (1895), and twenty thousand dollars ($20,000) for the fiscal year ending July thirty-first (31st), eighteen hundred and ninety-six (1896).

B. For cold storage building, to be available for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896), five thousand dollars ($5,000).

C. For the purchase of forty (40) acres of land, to be available for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896), three thousand five hundred dollars ($3,500).

Third—For the Fergus Falls state hospital.

A. For erecting administration building, fifty thousand dollars ($50,000).

B. For erecting congregate dining hall, chapel and amusement hall, thirty thousand dollars ($30,000).

C. For extension of northeast wing, ninety thousand dollars ($90,000).

D. For erecting barn for cows, four thousand dollars ($4,000).

Of which sum, twenty-four thousand dollars ($24,000) shall be available for the year ending July thirty-first (31), eighteen hundred and ninety-five (1895), seventy-five thousand dollars ($75,000) for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896), and the remainder for the year ending July thirty-first (31), eighteen hundred and ninety-seven (1897).

Fourth—For the Minnesota Institute for Defectives;

For additional lands and improvements for the institute, twelve thousand dollars ($12,000), to be available for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896).

Fifth—For the school for the deaf. For carpenter shop, machinery and sewerage, three thousand dollars ($3,000).

Sixth—For the school for the Blind.

A. For extension of the main building, heating, etc., fifteen thousand dollars ($15,000).

B. For completing cottage and sewerage for the institution, two thousand dollars ($2,000).

Of which sum five thousand dollars ($5,000) shall be available for the year ending July thirty-first (31), eighteen hundred and ninety-five (1895), six thousand dollars (6,000) for the year ending July thirty-first (31), eighteen hundred and ninety-six (1896), and six thousand dollars ($6,000) for the year ending July thirty-first (31), eighteen hundred and ninety-seven (1897).

Seventh—For the school for feeble-minded.

For building and furnishing custodial building for boys, and for central heating plant and sewerage, ninety-five thousand dollars ($95,000); of which sum five thousand dollars ($5,000) shall be available for the year ending July thirty-first (31), eighteen hundred and ninety-five (1895), forty-five thousand dollars ($45,000) for the year ending July thirty-first (31), eighteen hundred and ninety-six, and the remainder the year ending July thirty-first (31), eighteen hundred and ninety-seven (1897).

Eighth—For the state public school.

A. For furniture and household supplies, including bedsteads, mattresses, cooking apparatus, laundry machinery, telephone exchange, library and root cellar $2,450.

B. For new buildings and for reconstruction and for additions and for additional water supply, stand pipe, fencing, cement walks and purchasing additional lands, $12,500.

Of which sum four thousand nine hundred and fifty dollars ($4.950) shall be available for the year ending July thirty-first (31st), eighteen hundred and ninety-five (1895); five thousand dollars ($5,000) for the year ending July thirty-first (31st), eighteen hundred and ninety-six (1896); and the remainder for the year ending July thirty-first (31st), eighteen hundred and ninety-seven (1897).

Ninth—For the Minnesota state training school:

A. For completing workshop and building barns, nine thousand dollars ($9,000);

B. For purchasing tools, etc., three thousand five hundred dollars ($3,500);

C. For library and school books, one thousand dollars ($1,000);

Of which sum, six thousand five hundred dollars ($6,500) shall be available for the year ending July thirty-first (31st) eighteen hundred and ninety-five (1895), and the remainder for the year ending July thirty-first (31st) eighteen hundred and ninety-six (1896).

Tenth—For the state reformatory.

For erecting building for cell room and securing water supply, dynamo and electrical supplies, and for the purchase of land, forty thousand dollars ($40,000). Of this sum, twenty thousand dollars ($20,000) shall be available for the year ending July thirty-first (31st), eighteen hundred and ninety-five (1895) twenty thousand dollars ($20,000) for the year ending July thirty-first (31st), eighteen hundred and ninety-six (1896).

For the railroad and warehouse commission for the carrying out the provisions of the several laws under which they act the sum of three thousand dollars ($3,000) for the year ending July thirty-first (31st), eighteen hundred and ninety-five (1895), and three thousand dollars ($3,000) for the year ending July thirty-first (31st), eighteen hundred and ninety-six (1896), in addition to the amount heretofore appropriated. Also that no part of same shall be used for payment of attorneys or counsel fees.

Provided, however, that no part of the sums hereby appropriated shall be applied to the payment of salaries of said commissioners or any of their office employes.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 379.

H. F. No. 95.

An act to repeal chapter four hundred and eleven (411) of special laws of Minnesota for year eighteen hundred and eighty-one (1881), as amended by chapter one hundred and eleven (111) of special laws of Minnesota for year eighteen hundred and eighty-seven (1887).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter four hundred and eleven (411) of the special laws of the state of Minnesota for the year eighteen hundred and eighty-one (1881), as amended by chapter one hundred and eleven of special laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), be and the same are hereby repealed.

Chap. 411 S. L. 1881. Chap. 111 S. L. 1887.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 5th, 1895.

CHAPTER 380.

H. F. No. 36.

An act to repeal chapter two hundred and eighty-two (282) of the special laws of eighteen hundred and eighty-nine (1889), relating to roads and bridges in Polk county.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter two hundred and eighty-two (282) of the special laws of eighteen hundred and eighty-nine (1889) being an act entitled "An act to authorize the board of county commissioners of Polk county to levy a tax for and to expend the same on roads and bridges in said county" approved April thirteen (13) eighteen hundred and eighty-nine (1889) shall be and the same is hereby repealed.

Chap. 282 S. L. 1889.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 23rd, 1895.

H. F. No. 11.

CHAPTER 381.

An act to repeal chapter four hundred and sixty-six (466) of the special laws of eighteen hundred and ninety-one (1891) relating to the salary of the probate judge of the county of Wabasha.

Be it enacted by the Legislature of the state of Minnesota:

Chap 466 S. L. 1891

SECTION 1. That chapter four hundred and sixty-six (466) of the special laws of eighteen hundred and ninety-one (1891), entitled "An act fixing and establishing the salary of the probate judge of the county of Wabasha, and providing for payment by him, into the county treasury of said county of all fees received by him, and making the failure to do so a misdemeanor, and repealing all acts and parts of acts inconsistent herewith," approved April twentieth (20th) eighteen hundred and ninety-one (1891) be and the same hereby is repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved January 23rd, 1895.

H. F. No. 7.

CHAPTER 382.

An act to repeal chapter four hundred and twelve (412), special laws of Minnesota for the year eighteen hundred eighty-nine (1889), relating to the election of county commissioners for the county of Aitkin, state of Minnesota.

Be it enacted by the Legislature of the state of Minnesota:

Chap. 412 S. L. 1889.

SECTION 1. That chapter four hundred and twelve (412) of special laws of Minnesota of the year eighteen hundred and eighty-nine (1889) be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 5th, 1895.

CHAPTER 383.

S. F. No. 320.

An act to repeal chapter two hundred and twenty-two (222) of the special laws of the extra session of eighteen hundred and eighty-one (1881).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter two hundred and twenty-two (222) of the special laws of the extra session of A. D. eighteen hundred and eighty-one be and the same is hereby repealed. Chap. 222 S. L. 1881.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 19th, 1895.

CHAPTER 384.

H. F. No. 348.

An act to repeal chapter twenty-nine (29) of the special laws of eighteen hundred and ninety-one (1891).

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter twenty-nine (29), of the special laws of the legislature of the state of Minnesota for the year eighteen hundred and ninety-one (1891), approved March sixteen (16), eighteen hundred and ninety-one (1891), and entitled "An act to authorize the city of St. Paul to condemn land for a street known as Annapolis street, extending between sections nine (9) and sixteen (16), eight (8) and seventeen (17), and seven (7) and eighteen (18), township twenty-eight (28) of range twenty-two (22) west, and between sections twelve (12) and thirteen (13) township twenty-eight (28) of range twenty-three (23) west, from the Mississippi river, on the east, to the west line of block eighty-eight (88) of Banning & Olivier's addition to West St. Paul, and to grade said street when the land therefor has been condemned," be and the same is hereby in all things repealed. Chap. 29 S. L. 1891.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.

H. F. No. 347.

CHAPTER 385.

An act to repeal an act entitled "An act providing for additional terms of court in Stearns county," and providing for the return of writs and recognizances provided for in said act.

Be it enacted by the Legislature of the state of Minnesota:

Chap. 134 G. L. 1891.

SECTION 1. That chapter one hundred and thirty-four (134) of the general laws of the state of Minnesota for the year eighteen hundred and ninety-one (1891), entitled "An act providing for additional terms of court in Stearns county," approved April twentieth (20), eighteen hundred and ninety-one (1891), be and the same hereby is repealed.

Returns.

SEC. 2. All writs, recognizances, bonds, continuances, and proceedings, issued or made returnable to the terms of the district court within and for said Stearns county specified and provided for in said chapter one hundred and thirty-four (134) shall be and the same hereby are made returnable to the general terms of the district court within and for said Stearns county next to be holden, after the return day of said writs, recognizances, bonds and other proceedings.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 1st, 1895.

H. F. No. 504.

CHAPTER 386.

An act to repeal chapter eleven (11) of the general laws of the state of Minnesota for the year eighteen hundred and ninety-three (1893), relating to transfer of the soldiers' relief fund.

Be it enacted by the Legislature of the state of Minnesota:

Chap. 11 G. L. 1893.

SECTION 1. That chapter eleven (11) of the general laws of the state of Minnesota for the year one thousand eight hundred and ninety-three (1893), be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 22nd, 1895.

CHAPTER 387.

H. F. No. 875

An act entitled an act to repeal chapter two hundred and twenty-eight (228) of the general laws of the state of Minnesota for the year eighteen hundred and eighty-five (1885), the same being an act relating to the publication of the report of the geological and natural history survey of the state.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Chapter two hundred and twenty-eight (228) of the general laws of the state of Minnesota for the year eighteen hundred and eighty-five (1885) is hereby repealed. Chap. 228 G. L. 1885.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

CHAPTER 388.

S. F. No 623.

An act to repeal chapter thirty-three (33) of the general laws of one thousand eight hundred and ninety-one (1891) relating to payment of witness and jurors' fees in certain counties.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter thirty-three (33) of the general laws of one thousand eight hundred and ninety-one, be and the same is hereby repealed. Chap. 33 G. L. 1891.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 17th, 1895.

S. F. No. 688.

CHAPTER 389.

An act to repeal chapter 235 of special laws of Minnesota for the year 1891 entitled "An act to authorize and direct the treasurer of the village of Janesville, Waseca county, to pay one-half of all moneys derived from licenses granted for the sale of intoxicating liquors in said village to the treasurer of the school district of the village of Janesville, Waseca county."

Be it enacted by the Legislature of the state of Minnesota:

Chap. 235 S. L. 1891.

SECTION 1. That chapter two hundred and thity-five of the special laws of the state of Minnesota for the year one thousand eight hundred and ninety-one, entitled "An act to authorize and direct the treasurer of the village of Janesville, Waseca county, to pay one-half of all moneys derived from licenses granted for the sale of intoxicating liquors in said village to the treasurer of the school district of the village of Janesville, Waseca county" be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1895.

H. F. No 576

CHAPTER 390.

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74-M - v14
76-M - 69
78-NW 883

An act to repeal chapter fifty-one (51) special laws of eighteen hundred and ninety-one (1891).

Be it enacted by the Legislature of the state of Minnesota:

Chap. 51 S. L. 1891.

SECTION 1. That chapter fifty-one (51) of the special laws of eighteen hundred and ninety-one (1891), entitled "An act to amend the charter of the village of Reads, approved January twenty-ninth (29th) eighteen hundred and ninety-one (1891), be, and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force, from and after the sixth (6th) day of February eighteen hundred and ninety-six (1896).

Approved April 22nd, 1895.

CHAPTER 391.

S. F. No. 309.

An act to repeal chapter CLVIII of the special laws of the year one thousand eight hundred and seventy-six, in relation to the election of county commissioners, in the county of Anoka.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter CLVIII of the special laws of one thousand eight hundred seventy-six be and the same is hereby repealed. Chap. 158 S. L. 1876.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 27th, 1895.

CHAPTER 392.

An act to repeal chapter four hundred eighty-nine (489) of special laws of the state of Minnesota, for the year eighteen hundred and ninety-one (1891). Approved February twenty-sixth (26th), 1891. Entitled "An act to regulate the catching of fish in any of the lakes and streams of Chisago county and to prohibit shipping out of said county for the purpose of sale any fish caught in lakes or streams in said county, and to repeal all laws inconsistent therewith." H. F. No. 525.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That chapter four hundred eighty-nine (489) of the special laws of the state of Minnesota for the year eighteen hundred and ninety-one (1891) being "An act to regulate the catching of fish in any of the lakes and streams of Chisago county and to prohibit shipping out of said county for the purpose of sale any fish caught in lakes or streams in said county and to repeal all laws inconsistent therewith," be and the same is hereby repealed. Chap. 489 S. L. 1891.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 19th, 1895.

H. F. No. 194.

CHAPTER 393.

An act to repeal chapter one hundred and forty (140) of the special laws of Minnesota for the year eighteen hundred and seventy-one (1871), authorizing the partition of real estate of the Western Land Association, among the stockholders thereof.

Be it enacted by the Legislature of the state of Minnesota:

Chap. 140 S. L. 1871.

SECTION 1. That chapter one hundred and forty (140) of the special laws of Minnesota for the year one thousand eight hundred and seventy-one (1871), entitled "An act to authorize the partition of real estate of the Western Land Association among the stockholders thereof," approved March first (1) one thousand eight hundred and seventy-one (1871), be, and the same hereby is, repealed.

SEC 2. This act shall take effect and be in force from and after its passage.

Approved March 30th, 1895.

S. F. No. 520.

CHAPTER 394.

Kandiyohi,

An act providing for the lease of the state capitol lands in Kandiyohi county, Minnesota, the drainage of the same, and the repeal of chapter one hundred and thirty-two (132), general laws of 1891.

Be it enacted by the Legislature of the state of Minnesota:

Capitol.

SECTION 1. The state capitol grounds in Kandiyohi county may be leased by the state land commissioners to the county of Kandiyohi at an annual rental of not less than ten cents (10) per acre, payable in advance, on the first day of July of every year, and the board of county commissioners of Kandiyohi county are hereby authorized to lease the said lands upon the terms herein stated and subject to the conditions hereinafter provided.

May lease lands to county.

County may sub-let.

SEC. 2. The said lands shall be leased by or under the direction of the board of county commissioners of said county, at public auction according to the government subdivisions thereof, to the highest bidder after twenty days' notice of such leasing shall have been given by publication in two or more of the local newspapers and by posting said notice at the public posting places in these towns where these lands are situated.

Draining. SEC. 3. The entire amount received by the county as rentals for the first three years, including the annual rental accruing to the state, shall be used for draining and reclaiming the wet and overflowed state capitol lands.

How done. SEC. 4. The said work shall be done under the direction of the board of county commissioners of said Kandiyohi county.

Route of flow. SEC. 5. That said work shall, as near as practicable be along the following route, to-wit, Commencing at a point 100 feet south and 33 feet west of corner to sections 14, 15, 22 and 23, township one hundred and nineteen (119), range thirty-five (35) in said county, thence southeasterly to a point at or near the southern extremity of Grass Lake; thence easterly about one and one-half miles; thence south to Lake Waconga; thence in a southeasterly direction to Lake Fanny; thence in a southeasterly direction to Big Kandiyohi Lake; thence in a southeasterly direction along the natural water course to Lake Lillian; thence in a southeasterly direction along the water's natural course to Dog Lake, thence from the southwestern extremity of Dog Lake in an easterly direction as near as practicable along the water's natural course of the Crow river, to terminate at the county line between the counties of Kandiyohi and Meeker.

Management. SEC. 6. The board of county commissioners shall have full control of this work and shall establish the exact location of this drain or drains and may establish branch drains if necessary in order to drain out wet or overflowed state capitol lands.

Contracts—how let. SEC. 7. The letting of contracts and inspection and acceptance of the same shall be done according to sections thirteen (13), fourteen (14) and fifteen (15) of chapter ninety-seven (97) general laws of Minnesota for one thousand eight hundred and eighty-seven (1887) as far as applicable.

Engineer. SEC. 8. The compensation of the civil engineer and others for services under this act shall be according to section twenty-eight (28) of said chapter ninety-seven (97).

Commencement. SEC. 9. The work shall be begun at the terminal point of this drain and thence progress as rapidly as the funds and the natural conditions of the territory will allow.

Branch drains. SEC. 10. If any branch drain or drains are established, the county commissioners shall determine at what stage of the work it or they shall be opened.

Annual rental. SEC. 11. That after the expiration of three years the county of Kandiyohi shall annually on the 20th day of

June pay into the state treasury the sum of not less than ten cents (10) per acre for all state capitol lands rented under the provisions of this act.

Surplus rent.

SEC. 12. That after the expiration of the three years aforesaid, all monies remaining in the hands of the county treasurer, derived from the rental under this act, after the annual remittance to the state treasurer, as hereinbefore provided, shall be transferred into the county road and bridge fund of said county. *Provided* that whenever all or any portion of said land is sold by the state, the provisions of this act shall cease to be operative as to the portion so sold.

General revenue fund.

SEC. 13. All monies paid into the state treasury under the provisions of this act shall be credited to the general revenue fund.

Repeals Chap. 132, G. L. 1891.

SEC. 14. Chapter one hundred and thirty-two (132), general laws of one thousand eight hundred and ninety-one (1891) is hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 18th, 1895.

H. F. No. 864.

CHAPTER 395.

Supreme court contingent.

An act to appropriate money for the supreme court contingent, and certain other purposes.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the following sums of money, or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated:

First—For the purchase of new file boxes for the office of the clerk of the supreme court, two hundred and fifty dollars ($250).

Second—For additional appropriation for the purchase of books in the state law library, five hundred dollars ($500) for the fiscal year of eighteen hundred and ninety-five (1895), and five hundred dollars ($500) for use in the fiscal year of eighteen hundred and ninety-six (1896), and five hundred dollars ($500) for use in the fiscal year of eighteen hundred and ninety-seven (1897).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 396.

H. F. No. 503.

Soldiers' home.

An act appropriating twenty-five thousand (25,000) dollars for building an additional cottage at the Minnesota Soldiers' Home.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-five thousand (25,000) dollars, or so much thereof as may be necessary for the purpose of building an additional cottage at the Minnesota Soldiers' Home, the same to be expended under the direction of the board of trustees of said soldiers' home, according to the provisions of chapter one hundred and forty-eight (148) general laws of Minnesota for eighteen hundred and eighty-seven (1887).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 397.

H. F. No. 497.

Widow of John C. Hoffman.

An act to reimburse Mrs. Mary Hoffman, widow of John C. Hoffman, for services rendered by said John C. Hoffman as first (1st) lieutenant in Capt. S. Ramsdell's company Minnesota state militia, organized at Sauk Centre, Minnesota, Aug. twenty-fifth (25th), eighteen hundred and sixty-two (1862), for defense against the Indians in the war of 1862-3.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of one hundred and fifty (150) dollars to pay and reimburse Mrs. Mary Hoffman the widow of the late Lieut. John C. Hoffman who served in the capacity of lieutenant in Capt. S. Ramsdell's company of Sauk Centre volunteer state militia, as per statement rendered the committee on appropriations, and for which claim this sum shall be full satisfaction for such services.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 23rd, 1895.

H. F. No. 811.

CHAPTER 398.

G. M. Hillman.

An act for the relief of G. M. Hillman, and to appropriate money therefor.

Be it enacted by the Legislature of the state of Minnesota:

Appropriation.

SECTION 1. That the sum of two thousand five hundred (2,500) dollars be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated for the relief of G. M. Hillman for personal injuries sustained by him while in the performance of his duties as a member of the national guard of the state of Minnesota, by reason of the premature explosion of a cannon, whereby he was injured and incapacitated from labor for life.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

H. F. No. 491.

CHAPTER 399.

Special appropriation.

An act to appropriate money to reimburse John J. Furlong, John D. Allen and Alexander Chisholm and Angus Haynes for expenses incurred in contests for a seat in the house of representatives.

Be it enacted by the Legislature of the state of Minnesota:

John J. Furlong.

SECTION 1. That the sum of one thousand eight hundred (1,800) dollars be and hereby is appropriated out of the general revenue fund of the state, to reimburse John J. Furlong for expenses incurred by him in a contest for a seat in the house of representatives during the twenty-ninth (29th) session of the legislature of said state in the year eighteen hundred and ninety-five (1895).

John D. Allen.

SEC. 2. That the sum of twelve hundred and fifty (1,250) dollars be and the same hereby is appropriated out of the general revenue fund of the state to reimburse John D. Allen for expenses incurred by him in a contest for a seat in the house of representatives during the twenty-ninth (29th) session of the legislature of said state in the year eighteen hundred and ninety-five (1895.)

Alexander Chisholm.

SEC. 3. That the sum of six hundred (600) dollars be and hereby is appropriated out of the general revenue

fund of the state to reimburse Alexander Chisholm for expenses incurred by him in a contest for a seat in the house of representatives during the twenty-ninth (29th) session of the legislature of said state in the year eighteen hundred and ninety-five (1895).

Angus Haynes.

SEC. 4. That the sum of four hundred and fifty-five (455) dollars be and is hereby appropriated out of the general revenue fund of the state to reimburse Angus Haynes for expenses incurred by him in a contest for a seat in the house of representatives during the twenty-ninth (29th) session of the legislature of said state in the year eighteen hundred and ninety-five (1895).

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 16th, 1895.

CHAPTER 400.

H. F. No. 241.

Special appropriation.

An act to approriate the sum of one hundred ($100) dollars to pay Max Manzel for loss incurred by the destruction of a collection of flora by the fire in the state university in eighteen hundred and ninety-four (1894).

Be it enacted by the Legislature of the state of Minnesota:

Max Manzel.

SECTION 1. The sum of one hundred (100) dollars be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay Max Manzel for a collection of flora burned in the fire at the state university in the year eighteen hundred and ninety-four (1894).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 25th, 1895.

CHAPTER 401.

H. F. No. 213.

Special appropriation.

An act for the relief of John H. Mullen, and to appropriate money therefor.

Be it enacted by the Legislature of the state of Minnesota:

John H. Mullen

SECTION 1. That the sum of fifteen thousand eight hundred (15,800) dollars be and the same is hereby

appropriated out of any money in the state treasury, not otherwise appropriated, for the relief of John H. Mullen for disbursements made and expenses incurred by him while in the performance of his duty as surveyor general of the Fourth district of the state of Minnesota, in accordance with the instruction of the governor; and the state auditor is hereby instructed to draw his warrant upon the state treasurer for said amount and deliver the same to said Mullen, and the state treasurer is hereby directed to pay the same.

To assign claims.

SEC. 2. Before said payment is made said Mullen shall assign to the state of Minnesota any and all claims which he may have for labor performed and expenses and disbursements incurred as such surveyor general, and thereupon the state of Minnesota shall proceed to collect the same in the name of said Mullen, or otherwise, as the attorney general may direct, and either by actions now pending or which may hereafter be brought. In case the state of Minnesota shall recover more than the amount hereby appropriated the remainder shall be paid over to said Mullen in the same manner as provided by section one (1) of this act.

Any sums collected by the state up to the amount hereby appropriated shall be paid to the state treasurer and placed to the credit of miscellaneous appropriations.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

H. F. No. 341.

CHAPTER 402.

Special appropriation.

An act appropriating money to defray expenses in carrying out the provisions of chapter one hundred and fifty-one (151), general laws of eighteen hundred and ninety-one (1891), relating to the distribution of the history of the Minnesota troops in the civil war.

Be it enacted by the Legislature of the state of Minnesota:

Distribution of Minnesota war record.

SECTION 1. That the sum of two hundred (200) dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys of the state, not otherwise appropriated, for the purpose of meeting the necessary postage or freightage incident to the distribution of the remainder of the books or volumes relating to the services of Minnesota troops in the civil and Indian wars, prepared pursuant to the provisions

of chapter one hundred and fifty (150), of the general laws of Minnesota, for the year eighteen hundred and ninety-one (1891).

SEC. 2. The appropriation hereby made shall be paid upon the warrants of the state auditor, which said warrants shall be drawn only upon the certificate of the adjutant general. How paid.

SEC. 3. This act shall take effect and be in force from and after its passsage.

Approved April 23rd, 1895.

CHAPTER 403.

H. F. No. 307.

An act to appropriate money from the internal improvement fund for drainage purposes in the county of Pope. Pope county.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of three thousand (3,000) dollars is hereby appropriated out of any moneys in the state treasury belonging to the internal improvement fund, or out of the first (1st) money which shall come into the state treasury, belonging to said fund, not already appropriated, to aid in the widening and deepening of the channel of the Chippewa river in the township of Gilchrist and Rolling Fork and in the construction of suitable ditches, connecting so that said river and ditches may properly drain the swamp lands adjacent to said river. Appropriation for drainage.

SEC. 2. That such work shall be done under the direction and supervision of the county commissioners of the county of Pope and when the same is completed they shall make a full report of the same to the state auditor which shall be accompanied with a copy of all contracts, vouchers and accounts respecting the same. Work how done—report.

SEC 3. Upon receipt of said report by the state auditor, showing the cost of such work, and that the same has been done in all respects in conformity with the spirit and intent of this act, he shall draw his order in favor of the commissioners of said county of Pope on the state treasurer for any money belonging to the internal improvement fund for the cost of said work, not exceeding three thousand (3,000) dollars. How paid.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

S. F. No. 357.

CHAPTER 404.

Special appropriation.

An act for the relief of Lieut. William H. Caine, surgeon of the First Battalion of Artillery, Minnesota National Guard.

Be it enacted by the Legislature of the state of Minnesota:

Lieut. Wm. H. Caine.

SECTION 1. That the sum of five thousand ($5,000) dollars be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the relief of Lieut. William H. Caine, for personal injuries sustained by him while in the performance of his duties, as a member of the National Guard, of the state of Minnesota, by reason of being thrown from his horse, whereby he was injured and incapacitated from following his profession for life.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 3rd, 1895.

S. F. No. 349.

CHAPTER 405.

Special appropriation.

An act to appropriate money to reimburse Professor Otto Lugger for moneys expended during the year 1894 to exterminate chinch bugs in different counties of this state.

Be it enacted by the Legislature of the state of Minnesota:

Prof. Otto Lugger.

SECTION 1. That the sum of three hundred and forty-six dollars and ninety cents ($346.90) is hereby appropriated out of moneys in the state treasury, not otherwise appropriated, to reimburse Professor Otto Lugger for moneys expended by him during the year eighteen hundred and ninety-four (1894) at the request of the governor of this state for the extermination of chinch bugs in the different counties of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15th, 1895.

CHAPTER 406.

S. F. No. 313.

An act to appropriate money for the relief of Peter Barbeau and compensate him for extra services rendered in the Indian war of 1862-3 in the state of Minnesota.

Special appropriation.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. Whereas, Peter Barbeau, who was a private soldier in company "G," Sixth Regt. of Minnesota Vols. during the Indian war of 1862-3-4-5, was, by reason of his being a skilled blacksmith, detailed for duty as such at Mankato in this state, on the order of Col. Crooks, commander of that regiment, on November second, eighteen hundred and sixty-three, for the purpose of shoeing cavalry and artillery horses and repairing government wagons then in service on the frontiers of this state, and

Peter Barbeau.

Whereas, said Peter Barbeau was, on account of the extraordinary amount of work then thrown upon him in such position, compelled to and did for several months do extra duty by working nights until eleven and twelve o'clock at such work, and

Whereas, he has never been allowed any compensation for such extra duty, by reason of the technical construction of the law given by the United States officials to whom his claim was presented, and

Whereas, this state has received the whole benefit of of said extra duty, the same having tended in a large measure to the protection of the people of this state from the attacks of Indians upon the frontier thereof, as said horses and wagons were constantly in use in patrolling and guarding the same, and

Whereas, said Barbeau has become greatly infirm, and sorely in need of aid and assistance, now therefore

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That the sum of ($200.00) two hundred dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated for the relief of and as compensation to said Peter Barbeau for such extra duty on behalf of this state.

$200.00.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 5th, 1895.

S. F. No. 234.

CHAPTER 407.

Election contest.

An act for an appropriation to reimburse George Gerlach for his expenses incurred in the contest of his election as a member of the legislature of the state of Minnesota for the present term.

Be it enacted by the Legislature of the state of Minnesota:

George Gerlach

SECTION 1. That the sum of seventy-five (75) dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to be paid to George Gerlach, a member of the present house of representatives of the legislature of the state of Minnesota to reimburse him for his expenses incurred in the contest for his seat in said house instituted by Walter Nelson. That a warrant in favor of said George Gerlach for that sum be drawn by the proper officers of the state of Minnesota and delivered to him for payment.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19th, 1895.

S. F. No. 250.

CHAPTER 408.

An act providing for the hearing, trial, determination, and adjustment of an alleged claim of Eugene Guilbault.

Eugene Guilbault vs. Alfred McCarger and Wm. R. Barnard.

Whereas, Eugene Guilbault represents that he is the owner of a certain claim against Alfred McCarger and Wm. R. Barnard, which said claim consists of a judgment rendered and entered in the district court for the county of Rice, on the third day of June, eighteen hundred and sixty-one, in favor of the said Eugene Guilbault and against the said Alfred McCarger and Wm. R. Barnard for the sum of eight hundred and ninety-nine dollars and twenty-one cents, and that on the fourth day of December eighteen hundred and eighty-one, the papers necessary and proper to bring said claim before the commission established by an act entitled "An act for the adjustment of certain alleged claims against the state," approved November fourth, eighteen hundred and eighty-one; were duly made out and mailed to the state auditor, and that said commission declined to consider said claim solely on the ground that the state auditor did not receive said papers within the time prescribed by said act, and that

said claim is a just and bona fide claim of the character and description provided for by said act. Therefore,

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That said Eugene Guilbault or his legal representative, may, within thirty (30) days after the passage of this act, apply to any district court of this state to hear, try and determine whether said claim was in point of fact a just, valid and bona fide claim of the character and description provided for by said act; that notice of such application shall be served on the state auditor, and a copy thereof, with proof of such service, shall be filed in the office of the clerk of the district court to which such application shall be made; that upon the filing of said notice as aforesaid said court shall have jurisdiction to hear, try and determine whether said alleged claim was, in point of fact a just, valid and bona fide claim of the character and description provided for by the act entitled "An act to provide for the adjustment of certain alleged claims against the state." Hearing.

Approved November four, eighteen hundred and eighty-one; that within thirty days after such application shall have been perfected, as aforesaid, said alleged claim shall be pleaded as required by said act; that the attorney general of said state shall have charge of the defense against the same, and within thirty days (30) after said claim shall have been pleaded as aforesaid may plead thereto any defense which would have warranted disallowance of said alleged claim under said act; that the issue so framed shall be brought to trial and be tried and determined as in ordinary civil actions.

Provided, that the same shall be tried before a court or a jury, as said attorney general shall elect, and the place of trial thereof shall be changed to such county as said attorney general shall designate, at any time within thirty (30) days after issue joined.

In said proceedings said Eugene Guilbault shall be known as claimant and said state as respondent.

SEC. 2. That if after the trial of said cause upon its merits said claim shall be found to be a just, valid and bona fide claim of the character and description provided for by said act then judgment shall be rendered in favor of said claimant against said respondent for the same amount that should have been reported thereon by said commission under and according to said act; that is to say, for the amount actually due thereon for principal and interest up to the first day of

December, A. D. eighteen hundred eighty-one; but if said claimants shall fail to establish their said claim as aforesaid, then their said application shall be dismissed with costs and disbursements to said respondents, as in any ordinary civil action.

Either party claiming to be aggrieved by the judgment in said court may appeal to the supreme court of said state as in an ordinary civil action.

SEC. 3. That the judgment, if any, rendered in said proceeding, in favor of said claimant or his legal representative, shall draw no interest; but upon filing a duly certified copy thereof with the auditor of state, he shall issue to said claimant or his legal representative, as the case may be, his warrant on the state treasury for the same percentage thereof as paid under said act upon claims of the class, character and description to which said claim of Eugene Guilbault belonged, and such warrant shall be paid by the state treasurer out of any moneys now or hereafter in the state treasury not otherwise appropriated.

Provided, that before issuance of said warrant, said claimants or their legal representatives shall make, acknowledge and file with said state auditor, duplicate satisfaction pieces of said judgment one of which shall be filed in the district court wherein said judgment was rendered, and the other shall remain on file in the office of said state auditor.

If the judgment rendered in said court shall be in favor of the respondent, the same shall operate to determine and relinquish said alleged claim forever.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 9th, 1895.

H. F. No. 156.

CHAPTER 409.

An act for the relief of Virtue Smith.

Special appropriation.

Whereas, David M. Smith, a member of Captain Joseph Anderson's company of mounted men, the "Cullen Guards," in service from August twenty-second (22), eighteen hundred and sixty-two (1862), to September twenty-eighth (28), eighteen hundred and sixty-two (1862), acting under orders, was in the battle of Birch Coulie, state of Minnesota, September second (2) and third (3), eighteen hundred and sixty-two (1862), and was shot through the right forearm and right thigh, from the effect of which wounds he never recovered. And,

Whereas, said David M. Smith departed this life January twenty-second (22), eighteen hundred and eighty (1880), leaving widow Virtue Smith, who has never since married, and now resides in Washington, D. C., and who is aged seventy-two (72) years. And,

Whereas, said David M. Smith, nor any one in his or their behalf, has ever received from the state of Minnesota any remuneration for his services in suppressing the "Indian outbreak" or as compensation for the injuries then received, therefore

Be it enacted by the Legislature of the state of Minnesota:

Virtue Smith, wife of David M. Smith.

SECTION 1. That the sum of four hundred (400) dollars shall be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated for the relief of Virtue Smith, widow of David M. Smith for personal injuries sustained by said David M. Smith while in performance of his duty as a member of Cullen guards during the Indian outbreak of eighteen hundred and sixty-two (1862).

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 2nd, 1895.

CHAPTER 410.

S. F. No. 736.

Steam Ship St. Paul Library.

An act to authorize the city of Saint Paul to appropriate and expend from its public treasury a sum not exceeding three thousand dollars, in conjunction with such sums as may be contributed by private citizens to purchase and furnish to the steamship "St. Paul" a library, and such other items of furniture as the proper officers of said city may designate.

Whereas, the city of Saint Paul, has been distinguished and honored by having one of the finest and largest ocean steamers yet constructed named the "St. Paul" in her honor, and is desirous of reciprocating the honor thus conferred by a small expenditure for a public library and other items of furniture to be placed upon said steamship, therefore

Be it enacted by the Legislature of the state of Minnesota:

Authority to appropriate.

SECTION 1. That the proper authorities of the city of St. Paul are hereby authorized and empowered to appropriate from the public treasury of said city, a sum

not exceeding three thousand dollars, to be expended under the direction of the mayor in conjunction with such other sums of money as may be contributed by private citizens to purchase and furnish to the new ocean steamship "St. Paul" a library, and such other items of furniture as the proper officers of said city may designate, and said city may, if necessary, issue, negotiate and sell certificates of indebtedness for the purpose of securing funds for such appropriation.

The said certificates shall mature on January first, one thousand eight hundred and ninety-six; and the amount of the principal and interest thereof when paid by said city shall be treated as an appropriation out of the ten thousand dollars contingent fund of said city, for the year one thousand eight hundred and ninety-six, provided for by subdivision fifty-one, of section three, of chapter four, of the present charter of said city.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 26th, 1895.

STATE OF MINNESOTA, }
DEPARTMENT OF STATE. }

Secretary's certificate.

I, Albert Berg, Secretary of State of Minnesota, do hereby certify that the foregoing general laws, passed by the legislature of 1895, so far as they are printed in full, have been compared with the enrolled copies of said laws deposited in the office of the Secretary of State, and that they are true and correct copies of said enrolled laws, and are an official publication thereof.

In testimony whereof I have hereunto set my hand this 25th day of September, A. D. 1895.

ALBERT BERG,
Secretary of State.

(Seal)

JOINT RESOLUTIONS.

NUMBER 1

JOINT RESOLUTION.

[S. F. NO. 152.]

A joint resolution of the senate and the house of representatives for the extermination of a weed known as Russian thistle. Russian thistle.

Whereas, the noxious weed commonly known as Russian thistle or Russian cactus by its rapid spread throughout the agricultural regions of the Northwestern states, namely Wisconsin, Minnesota, Iowa, North Dakota, South Dakota and Nebraska as shown by the bulletin of the department of agriculture at Washington; and

Whereas, it is essential to the extermination of the weed aforesaid that the people of every infested section act in harmony, therefore

Be it resolved by the senate, the house concurring, that the governor be requested to appoint two members of the Legislature or other persons, as may to him may seem fittest, to act with commissioners from other states to devise a means for concerted action in the extermination of the aforesaid Russian thistle, Request for concerted action by other states.

Also that the governor be requested to invite the governors of the several states, aforesaid, namely, Wisconsin, North Dakota, South Dakota, Iowa and Nebraska, to send two (2) commissioners to meet in the city of Saint Paul as soon as convenient, the date to be fixed by the governor, to discuss ways and means for the extermination of the aforesaid weed, with a view to agreeing upon legislation which shall be recommended to the legislature of the several states aforesaid and also to congress.

Approved February 1st, 1895.

NUMBER 2.

JOINT RESOLUTION.

[S. F. NO. 37.]

Interstate railroads.

A joint resolution relating to the railroad pooling bill now pending in the United States senate.

Whereas, section four (4) of article ten (10) of the constitution of the state of Minnesota, provides that all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions of manufactures on equal and reasonable terms, and

Whereas, many of the railroad corporations chartered and endowed with munificent grants and valuable franchises, rights and privileges by this state, have by their extensions through growth and consolidation, become interstate common carriers, and as such claim freedom from state jurisdiction and regulation, and

Whereas, all attempts at state regulation designed to protect the people of the state from such common misuse of railroad corporate power as rebates, pooling, and unequal and unreasonable traffic charges have proved insufficient by reason of the position of these corporations as being mediums of interstate commerce as claimed by them; and

Patterson pooling bill.

Whereas, the house of representatives of the United States has recently passed, and there is now pending in the senate a bill called the "Patterson pooling bill," which is designed to repeal that portion of the interstate commerce law which prohibits the pooling of business or earnings among competing railroad lines, and thus to legalize a gigantic trust and to destroy all competition among common carriers and entirely sweep away the only protection the people of this state and the country have against such monopolies.

Now therefore be it resolved by the Legislature of the state of Minnesota:

Request to defeat.

That our senators and representatives in congress be and they are hereby requested to use all their influence and all honorable means to defeat such bill and to prevent its being enacted into a law.

Resolved, That a copy of the above preamble and resolution be sent by the governor of the state to our senators and representatives in congress.

Approved February 1st, 1895.

NUMBER 3.

JOINT RESOLUTION.

[H. F. NO. 127.]

Joint resolution in relation to mineral lands and mineral contracts on state lands. Mineral lands.

Be it resolved by the Legislature of the state of Minnesota:

That the commissioner of the state land office is hereby directed to suspend the further issue of mineral leases and contracts on state lands until further action relative to such leases and contracts is taken by the present legislature. Issue of mineral leases and contracts suspended.

Approved February 5th, 1895.

NUMBER 4.

JOINT MEMORIAL.

[H. F. NO. 150.]

A joint memorial to the senate and house of representatives of the state of Minnesota recommending the election of United States Senators by a popular vote. U. S. Senator.

Whereas, it is the sentiment of the people of the state of Minnesota that United States senators be elected by popular vote; therefore,

Resolved, by the house of representatives, the senate concurring, that our senators and representatives in congress be instructed and requested to use their influence in securing such an amendment to the constitution of the United States as will confer upon the electors of the several states the right to choose their senators at general elections. Request for election by popular vote.

Resolved, further, that the secretary of state be and he is hereby requested to forward one copy of this memorial to each of our senators and representatives in congress at as early a day as may be convenient.

Approved February 5th, 1895.

NUMBER 5.

JOINT RESOLUTION.

[S. F. NO. 221.]

Freight rates.

A joint resolution of the senate and the house of representatives authorizing the appointment of a committee consisting of three (3) members of the house of representatives and two members of the senate, to confer with a similar committee appointed by the legislative assembly of the state of North Dakota to propose suitable legislation for the purpose of securing lower freight rates upon grain and coal.

Conference committee with North Dakota.

Be it resolved by the senate of the state of Minnesota, the house of representatives concurring, that a committee consisting of three (3) members of the house of representatives and two members of the senate be appointed to confer with a similar committee already appointed by the legislative assembly of the state of North Dakota, with a view of proposing suitable legislation for the purpose of securing lower freight rates upon grain and coal.

Resolved, therefore, that a copy of these resolutions be transmitted to the governor and legislative assembly of the state of North Dakota.

Approved February 12th, 1895.

NUMBER 6.

JOINT RESOLUTION.

[H. F. NO. 460.]

Olney arbitration bill.

A joint resolution asking congress to pass the Olney arbitration bill or some other scheme of arbitration upon the railroads of the United States.

Whereas, the past year has been characterized by disastrous railroad strikes, bringing untold losses to the business interests of the land and great suffering and losses to the employes upon the railroads, and

Whereas, the country will continue to be liable to a recurrence of such losses and suffering so long as the nation is unprovided with some suitable method of

settling controversies between the railroad companies of the land and their employes, therefore, be it

Request that Congress pass arbitration bill

Resolved, by the legislature of the state of Minnesota, that the congress of the United States be and the same are respectfully requested by this memorial to enact into a law the arbitration bill now before congress and known as the Olney Arbitration Bill, or enact some other suitable and comprehensible law for the legal and prompt settlement of all controversies between the railroads of the country and their employes.

The secretary of state is hereby requested to forward copies of this memorial and resolution to our senators and representatives in congress.

Approved March 2nd, 1895.

NUMBER 7.

JOINT RESOLUTION.

[H. F. NO. 339.]

Col. Josias R. King.

Joint resolution of the legislature of Minnesota recommending that provision be made by act of congress for the appointment by the President of lieutenant Colonel Josias R. King, late an officer of the First Minnesota infantry and of the regular army, to be first lieutenant in the army and to be placed on the retired list with that rank.

Whereas, Lieutenant Colonel Josias R. King of this state enlisted as a volunteer in company A of the First Minnesota infantry on the evening of April 14, one thousand eight hundred and sixty-one (1861), and was thereafterwards on the twenty-ninth (29) day of April of the same year mustered into the military service of the United States as an enlisted man, in which service he remained with the exception of six (6) months after the termination of the war of the rebellion, until the expiration of the year one thousand eight hundred and seventy, during which period he held the rank of first sergeant of company A, First Minnesota infantry, second lieutenant in the same regiment, first lieutenant and captain of the same regiment, lieutenant colonel of the Second Rebel regiment, of the United States of America, second lieutenant United States infantry, and first lieutenant of the same regiment, and while so in the service participated in the first and second battles of Bull Run, in the battle of Edwards Ferry, in

the siege of Yorktown, in the battles of Fair Oaks, Nelson's Farm, Savage Station, White Oak Swamp, Peach Orchard, Malvern Hill (first and second battle), Fredericksburg, Vienna, Antietam, South Mountain, Charlestown, and Chancellorville, and in the Indian campaigns on the Arkansas, and Upper Missouri rivers in the summer of eighteen hundred and sixty-five (1865), and in all these battles and campaigns served with credit to himself and with such gallantry as to attract the attention of his superiors who for his distinguished services recommended him for a commission in the regular army which was accordingly granted in the month of May eighteen hundred and sixty-six (1866), as second lieutenant, and was afterwards promoted to first lieutenant and served in the regular army in such manner as to meet the approval of all his superiors and solely on account of the locations to which he was assigned, was compelled to leave the army or sacrifice his wife to the debilitating and malarial influences of the climate, and has now reached the age of sixty-four years, without income or any means for the support of himself and his family.

Retired list.

Therefore be it resolved by the legislature of the state of Minnesota that our senators and representatives in congress be and the same are hereby respectfully requested to use all honorable means to pass such an act as will enable the President of the United States to appoint said Lieutenant Colonel Josias R. King first lieutenant in the regular army, and place his name upon the retired list of the army with the pay and emoluments of that rank.

Approved March 2nd, 1885.

NUMBER 8.

JOINT RESOLUTION.

[H. F. NO. 99.]

Fort Snelling.

Joint resolution to the senate and house of representatives of the United States.

Resolved by the Legislature of the state of Minnesota:

Request for old buildings.

That the congress of the United States be and the same is hereby requested to grant to the state of Minnesota, in perpetuity, the old buildings and the ground upon which they stand, which constitutes the

old and original Fort Snelling in the state of Minnesota, to be forever used by said state, perpetually, as a museum of natural, military, civil, botanical and archaeological history of this state.

Resolved, That our senators and representatives in congress are requested to urge this measure upon the attention of the congress of the United States.

Resolved, That the secretary of state is hereby instructed to forward copies of these resolutions to the vice president of the United States, the speaker of the house of representatives and each of our senators and representatives in congress.

Approved March 2nd, 1895.

NUMBER 9.

JOINT RESOLUTION.

A resolution passed by the senate and concurred in by the house of representatives of the state of Minnesota recommending Colonel E. C. Mason for promotion.

Whereas, Colonel E. C. Mason, third infantry, and brevet brigadier general U. S. A. has by his conspicuous and patriot record during the war of the rebellion, as well as his hard service on the frontier, for the past twenty-five years, gained high consideration among the soldiers of the republic, and

Whereas, his recent years of official duty have been spent within the borders of the State of Minnesota, where his eminent qualities as an officer and a gentleman have commended him to our people; therefore

Resolved, by the senate of the State of Minnesota, the house of representatives concurring, that we respectfully present for the consideration of the President of the United States the name of Colonol Mason as one in every way worthy of promotion to the rank of brigadier general when a vacancy shall occur.

Resolved, that our senators be and are hereby respectfully requested to present this resolution in person to the President and request his favorable action thereon.

Resolved, that the secretary of state be and he is hereby instructed to cause a duly exemplified copy of this resolution to be forwarded to each senator of the state of Minnesota in the congress of the United States.

Approved March 8th, 1895.

NUMBER 10.

MEMORIAL.

[S. F. NO. 290.]

Historical society.

A memorial to the secretary of the interior of the United States and to the judge advocate general of the United States, for the purpose of procuring certain records of their respective offices for the benefit of the Minnesota Historical society.

Indian war of 1862 and Sibley court martial.

Your memorialists, the Legislature of the state of Minnesota, respectfully request that you will furnish the historical society of the state of Minnesota copies of the records of a commission appointed by the United States government in the year one thousand, eight hundred sixty-two to take the testimony of persons who had suffered loss in the Sioux Indian war of that year, in the state of Minnesota, and elsewhere. And also the minutes and records of a certain court martial appointed in the same year by General Henry H. Sibley, commanding in said Indian war, containing the trial of many Indians accused of murder and other crimes, and also any records that may exist of the reference of said last named record to the judge advocate general of the United States for consideration, and his report thereon.

And if any obstacle exists to the furnishing of said reports by the departments above referred to that permission may be granted to the said historical society to procure copies of the same.

Approved March 19th, 1895.

NUMBER 11.

JOINT RESOLUTION.

Resolution of condolence tendered the Honorable John D. Ludden by the legislature of the state of Minnesota.

Whereas, Honorable John D. Ludden, who was for many years an honored member of the Legislature of the former territory of Minnesota and one of the presiding officers, has been grieviously afflicted in the death of his wife, therefore

Resolved by the senate, the house of representatives

concurring, that our sincere condolence is hereby tendered to our respected fellow citizen in his bereavement.

Approved March 21st, 1895.

NUMBER 12.

JOINT RESOLUTION.

[S. F. NO 437.]

Postal employes.

A joint resolution praying for a final passage by the U. S. congress of a certain bill now pending in the senate of the United States, to regulate the mode of removal of letter carriers, post office clerks and railway postal clerks, known as U. S. senate bill 2523.

The memorial of the Legislature of the state of Minnesota respectfully represent:

Whereas, a certain bill is now pending in the senate of the United States, known as senate bill No. 2523; the same being a bill, intended for the protection of letter carriers, postoffice clerks and railway postal clerks, and providing that no letter carrier, postoffice clerk or railway postal clerk shall be removed or requested to resign (except when arrested for a crime, when suspension or removal may take place at once, in the discretion of the postmaster general) until after written charges shall have been examined into by the postoffice department, upon such reasonable notice to the person charged and in such manner of examination as the regulations of the postoffice department may prescribe; *provided* that letter carriers, postoffice clerks and railway postal clerks may be suspended by the postmaster general, pending the examination therein provided for; and,

Whereas, the final passage of such bill is to be greatly desired, as well in the interests of civil service reform, as in justice to the employes of the United States government, for whom it intends to provide; and

Whereas, it is the earnest sentiment of the people of this state, that the final passage of such bill will subserve the best interests of the public at large; therefore,

Resolved by the Legislature of the state of Minnesota:

Request for Congress to pass U. S. Senate bill 2523

That this state and the people thereof, respectfully and urgently request and recommend the final passage of the bill heretofore mentioned, by the congress of the United States, so that the same may become law.

The governor of this state is hereby requested to forward copies of these resolutions and this memorial to our senators and representatives in congress and to the postmaster general.

Approved April 8th, 1895.

NUMBER 13.

JOINT RESOLUTION.

[S. F. NO. 673.]

State boundary line.

A joint resolution authorizing the appointment of commissioners to confer and treat with similar commissioners on the part of the state of Wisconsin, in relation to changing a portion of the boundary between the states of Minnesota and Wisconsin.

Whereas, the city of Duluth, in Minnesota, and the city of Superior, in Wisconsin, at the westerly extremity of Lake Superior, though separated by state lines are geographically and essentially one city, close in community of interest and already connected by several bridges spanning the grand harbor common to both.

And while nature has especially favored these cities in placing at their doors immense deposits of rich iron ores in the Missabe and Vermilion ranges, vast forests of pine and hardwoods, the great water power of the St. Louis river, and the richest agricultural lands on the continent, the genius of man within the past fifteen years has supplemented these advantages by building two modern cities of which any nation might be proud, both already widely known for their commercial and manufacturing importance, containing at this time a combined population of one hundred thousand, being the termini of eight distinct railway systems, having a flouring mill capacity second only to Minneapolis, a grain elevator capacity in advance of Chicago, a saw mill capacity the greatest on the lakes, and larger coal docks, iron ore docks, merchandise docks, ship yards and manufacturing plants than any other point in America; and,

Whereas, it is believed that the welfare of the communities at the head of Lake Superior in the counties of St. Louis and Carlton, in Minnesota, and Douglas in Wisconsin, and especially that of the people of Duluth and Superior, would be promoted and their material and social interests advanced, the credit of each improved, and their taxes and expenses reduced, by having

but one set of public officials, one port collector, one fire department, one lighting plant, one water supply plant, one street car system, free bridges, one board of trade, one method of grain inspection, one code of laws and ordinances, and one general interest in all things.

Provided, the state lines which now divide them and hinder and hold back their commercial and industrial development, were obliterated and they were united parts of one jurisdiction embracing within its limits one proud city having for its common harbor the noble bays of St. Louis, Superior and Alloues; and,

Whereas, these cities and communities may be brought together, their undue burdens, hindrances and difficulties removed and their mutual good subserved, by annexing to the state of Minnesota that part and portion of the state of Wisconsin lying north and west of the Brule and St. Croix rivers (or such portion thereof as may be deemed advisable), being about twenty-eight townships out of the county of Douglas and one township out of the county of Burnett, and placing the state line where its location was for a time under consideration before the present boundary lines were adopted. Therefore

Be it resolved by the Legislature of the state of Minnesota:

Duluth and Superior.

That the governor of the state be and he is hereby authorized to appoint, within thirty days after the adoption of this joint resolution, commissioners, as hereinafter provided, to meet, treat and confer with like commissioners from the state of Wisconsin, with respect to the change of boundary lines and union of the cities herein mentioned, and to report to the Legislature at its next general session their conclusions and recommendations thereon, with full facts and information relative thereto, touching and including financial, industrial and commercial statistics, population, public sentiment, terms, time, conditions, plans, legislation and proceedings essential to bring about such change or modification of boundary lines, and consolidation of the cities and communities named, together with any and all other facts and data bearing upon the subject.

Such commissioners shall be five in number, and shall be selected, two from the city of Duluth and two from the state at large, and the governor shall, ex officio, be a member and chairman of such commission.

Their conferences and meetings shall be had when possible in the cities herein named.

Resolved, the Legislature of the state of Wisconsin is hereby respectfully requested to give its consideration

to the subject of these resolutions, and invited to appoint like commissioners in this behalf with full power to meet and act with the commissioners herein authorized by the state of Minnesota.

Resolved, that the secretary of state is hereby directed to transmit to the governor and legislature of the state of Wisconsin certified copies of these resolutions immediately after their adoption.

Approved April 13th, 1895.

NUMBER 14.

JOINT RESOLUTION.

[H. F. NO. 883.]

Seeds.

Joint resolution of the Minnesota legislature relating to the distribution of seeds by the United States department of agriculture and the state experiment stations.

Whereas, the distribution of seeds from the national capitol by the department of agriculture has proved such a cumbersome, impractical and inefficient method of assisting farmers in procuring new and useful seeds, bulbs and plants that the secretary of agriculture, with the approval of the president, has recommended to congress that each state be given its quota of the appropriation for seeds to be used by their respective experiment stations in distributing seeds; and that the experiment stations be given the same privilage of mailing seeds free to farmers as is now allowed the department of agriculture; and

Whereas, the Minnesota experiment station has obtained from all parts of the world numerous varieties of seeds and plants especially adapted to the farmers of this state and has originated other promising kinds;

Method of distribution.

Therefore, be it resolved, that the house of representatives and the senate of the State of Minnesota most heartily endorse the recommendation of the secretary of agriculture and believing that such change in the method of seed distribution would greatly benefit this state, we urgently request our senators and representatives in congress to do all in their power to aid in making such change;

Resolved, that the secretary of state be and he is hereby instructed to transmit to each of our senators and representatives in congress a copy of this resolution.

Approved April 23rd, 1895.

NUMBER 15.

JOINT MEMORIAL.

[S. F. NO. 737.]

A joint memorial to congress relative to deep water ways to the east.

Deep water ways to the east.

Whereas, the growth and development of the entire Northwest and especially this state is dependent upon cheap transportation to and from the eastern seaboard; and

Whereas, we firmly believe that the natural waterways which extend from our state to the markets of the world by the lake route to the east, when properly improved, the cost of transportation would be so greatly reduced as to enable our people to command a reasonable compensation for their labors, and,

Preamble.

Whereas, the appropriations heretofore made by congress for the improvement of our rivers and harbors, as well as the canals which connect us with the markets, have resulted in the constant decrease in the expenses of transportation until the bulk of all our products now find their way to market by water at less rates than would be possible to expect on railways without water competition, and,

Whereas, we further believe that by more liberal allowance to enable the engineers of the United States to carry out their well devised plans for the improvement of these several water routes, as contained in their several reports, will still further reduce the cost of transportation on all that we send out or bring in, therefore, be it

Resolved by the legislature of the state of Minnesota, that, in the name of the people of the state of Minnesota, we do most earnestly memoralize and petition the congress of the United States to make liberal appropriations for the carrying on of these much-needed works, and provide for pushing the work now in hand so as to enable the engineers to complete them within the shortest time possible, and thus afford to this people minimum rates of transportation;

Request for appropriation by Congress.

That our senators and representatives be requested to use all possible effort to secure liberal appropriations for said work to the end that the contemplated deep water ways to our eastern seaboard may be completed with as little delay as possible, that a copy of this resolution be forwarded to each of our senators and members of the house of representatives.

Approved April 25th, 1895.

APPENDIX.

DISTRICT COURTS.

Statement showing the times and places of holding the terms of the district courts in the several counties with reference to the laws fixing the time for holding the same.

FIRST JUDICIAL DISTRICT.

Judges—F. M. Crosby, Hastings; W. C. Williston, Red Wing.

Goodhue county, Red Wing, second Wednesday in March; third Tuesday in October. (1889; c. 147, sec. 1.)

Dakota county, Hastings, first Tuesday in June; second Tuesday in December. (1889; c. 147, sec. 1.)

Washington county, Stillwater, first Tuesday in May; third Tuesday in November. (1889; c. 147, sec. 1.)

Pine county, Pine City, second Tuesday in April; third Tuesday in September. (1889; c. 138, sec. 1.)

Chisago county, Center City, first Wednesday in October. (1889; c. 147, sec. 1.)

Kanabec county, Mora, first Tuesday in September. (1889; c. 147, sec. 1.)

SECOND JUDICIAL DISTRICT.

Judges—H. R. Brill, Wm. L. Kelly, C. D. Kerr, Chas. E. Otis, J. J. Egan, J. W. Willis, St. Paul.

Ramsey county, St. Paul, first Monday of each month, except July, August and September. (1889; c. 144, sec. 1.)

THIRD JUDICIAL DISTRICT.

Judge—O. B. Gould, Rochester.

Olmsted county, Rochester, first Monday in June, first Monday in December. (1879; c. 60, sec. 1.)

Wabasha county, Wabasha, third Monday in May; second Monday in November. (1879; c. 60, sec. 1.)

Winona county, Winona, second Monday in January; first Monday in May; third Monday in September. (1889; c. 137, sec. 1.)

FOURTH JUDICIAL DISTRICT.

Judges—C. M. Pond, Seagrave Smith, Robert D. Russell, Chas. B. Elliott, Robt. Jamison, and Henry C. Belden, Minneapolis.

Anoka county, Anoka, third Monday in March, second Monday in October. (1893; ch. 134.)

Hennepin county, Minneapolis, first Tuesday in April; second Tuesday in September; first Tuesday in December. (1889; c. 157, sec. 1.)

Isanti county, Cambridge, fourth Monday in September. (1881; c. 66, sec. 1.)

Wright county, Buffalo, first Monday in June, first Monday in December. (1885; c. 134, sec. 1.)

FIFTH JUDICIAL DISTRICT.

Judge—Thos. S. Buckham, Faribault.

Dodge county, Mantorville, first Monday in April; first Monday in October. (1893; ch. 135.)

Rice county, Faribault, first Tuesday in May; second Tuesday after first Monday in November. (1873; c. 77, sec. 1.)

Steele county, Owatonna, first Tuesday in June; first Tuesday in December. (1873; c. 77, sec. 1.)

Waseca county, Waseca, third Tuesday in March; third Tuesday in October. (1874; c. 97, sec. 1.)

SIXTH JUDICIAL DISTRICT.

Judge—M. J. Severance, Mankato.

Blue Earth county, Mankato, first Tuesday in December; third Tuesday in May. (1868, c. 99, sec. 1.

Faribault county, Blue Earth City, first Tuesday in January; first Tuesday in June. (1870; c. 83, sec 1.)

Martin county, Fairmont, third Tuesday in June; second Wednesday in November. (1889; c. 148, sec. 2.)

Watonwan county, St. James, first Tuesday in May; first Tuesday in October. (1887; c. 111, sec. 2.)

SEVENTH JUDICIAL DISTRICT.

Judges—D. B. Searle, St. Cloud; L. L. Baxter, Fergus Falls.

Benton county, Sauk Rapids, third Monday in January. (1889; c. 139, sec. 1.)

Douglas county, Alexandria, third Monday in March; first Monday in October. (1889; c. 139, sec. 1.)

Mille Lacs county, Princeton, first Monday in September. (1889; c. 139, sec. 1.)

Morrison county, Little Falls, first Monday in March; third Monday in September. (1889; c. 139, sec. 1.)

Otter Tail county, Fergus Falls, second Monday in May; fourth

Monday in November. (1889; c. 139, sec. 1.) Judge may adjourn general term of court to village of Perham. (1895.)

Sherburne county, Elk River, fourth Monday in March. (1889; c. 139, sec. 1.)

Stearns county, St. Cloud, fourth Monday in May; second Monday in December. (1889; c. 139, sec. 1.) Judge may adjourn general term of court to village of Sauk Centre. (1895.)

Todd county, Long Prairie, first Monday in May and third Monday in October. (1889; c. 139, sec 1.)

Clay county, Moorhead, second Monday in June; second Monday in November. (1895.)

Becker county, Detroit, second Monday in April and October. (1895.)

EIGHTH JUDICIAL DISTRICT.

Judge—Francis Cadwell, Le Sueur.

Carver county, Chaska, first Monday in March; third Monday in September.

Le Sueur county, Le Sueur Centre, third Monday in February; first Monday in September.

McLeod county, Glencoe, second Monday in May; second Monday in November.

Scott county, Shakopee, third Monday in March; first Monday in October.

Sibley county, Henderson, first Monday in June; first Monday in December. (1895.)

NINTH JUDICIAL DISTRICT.

Judge—B. F. Webber, New Ulm.

Renville county, Beaver Falls, second Tuesday in April; fourth Tuesday in October.

Lyon county, Marshall, first Tuesday in June; second Tuesday in December.

Redwood county, Redwood Falls, first Tuesday in May; second Tuesday in November.

Brown county, New Ulm, third Tuesday in June; first Tuesday after first day of January.

Nicollet county, St. Peter, third Tuesday in May; fourth Tuesday in November.

Lincoln county, Lake Benton, first Tuesday after the fourth day of July. (1891; c. 136)

TENTH JUDICIAL DISTRICT.

Judge—John Whytock, Albert Lea.

Fillmore county, Preston, second Tuesday in April; second Tuesday in November. (1895.)

Freeborn county, Albert Lea, first Tuesday in December; third

Tuesday in May; second Monday in July, if adjourned. (1889; c. 31, sec. 1.)

Houston county, Caledonia, fourth Tuesday in February; third Tuesday in October. (1895.)

Mower county, Austin, third Tuesday in March; third Tuesday in September. (1876; c. 61, sec. 1.)

ELEVENTH JUDICIAL DISTRICT.

Judges—J. D. Ensign, Sam'l H. Moer and Page Morris, Duluth.

Carlton county, Carlton, first Tuesday in April; third Tuesday in October. (1895.)

St. Louis county, Duluth, first Wednesday in January, March, May, September and November. (1895.) (Includes Cook county.)

Lake county term fixed by the court.

TWELFTH JUDICIAL DISTRICT.

Judge—Gorham Powers, Granite Falls.

Chippewa county, Montevideo, first Monday after first Tuesday in May; first Monday after second Tuesday in November. (1891; ch. 140, sec. 1.)

Kandiyohi county, Willmar, first Tuesday in June; second Tuesday in December.

Lac qui Parle county, Madison, first Tuesday in May; fourth Tuesday in November. (1895.)

Meeker county, Litchfield, third Tuesday in May; first Tuesday in November, odd numbered years; first Wednesday after first Tuesday of November even numbered years. (1895.)

Swift county, Benson, fourth Tuesday in June; third Tuesday in December. (1891.)

Yellow Medicine county, Granite Falls, third Tuesday in June; second Tuesday in January. (1891.)

THIRTEENTH JUDICIAL DISTRICT.

Judge—P. E. Brown, Luverne.

Cottonwood county, Windom, third Monday in June and November. (1895.)

Jackson county, Jackson, fourth Tuesday in May and first Tuesday in December. (1895.)

Murray county, Slayton, third Tuesday in April and October. (1885, amend. 1887.)

Nobles county, Worthington, fourth Monday in February and first Monday in November in odd numbered years; first Wednesday after general election even numbered years. (1895.)

Pipestone county, Pipestone City, second Tuesday in May and third Tuesday in December. (1895.)

Rock county, Luverne, third Tuesday in March and September. (1895.)

FOURTEENTH JUDICIAL DISTRICT.

Judge—Frank Ives, Crookston.

Norman county, Ada, first Monday in June; Judge may convene fourth Monday in October. (1895.)

Polk county, Crookston, fourth Monday in June; first Monday in December. (1895.)

Marshall county, Warren, third Monday of May; second Monday of November. (1895.)

Kittson county, Hallock, third Monday in June. (1895.)

Roseau county, fourth Monday in July. (1895.)

FIFTEENTH JUDICIAL DISTRICT.

Judge—Geo. W. Holland, Brainerd.

Aitkin county, Aitkin, first Tuesday in October. (1895.)

Itasca county, Grand Rapids, first Tuesday of January and first Tuesday of June. (1895.)

Crow Wing county, Brainerd, first Tuesday in March, first Tuesday in September; March term in 1895, third Monday. (1895.)

Wadena county, Wadena, first Tuesday in December. (1895).

Hubbard county, Park Rapids, first Tuesday in July. (1895).

SIXTEENTH JUDICIAL DISTRICT.

Judge—Calvin L. Brown, Morris.

Stevens county, Morris, third Tuesday in March and third Tuesday in October. (1893.)

Big Stone county, Ortonville, third Tuesday in May and last Tuesday in October. (1893.)

Traverse county, Wheaton, second Tuesday in May and third Tuesday in November. (1895.)

Wilkin county, Breckenridge, first Tuesday in June and first Tuesday in December. (1889; c. 146, sec. 1.)

Grant county, Elbow Lake, fourth Tuesday in May and second Tuesday in November, except such day is election day, then Wednesday following. (1889; c. 146, sec. 1.)

Pope county, Glenwood, first Monday after first Tuesday in June and first Monday after first Tuesday in December. (1893.)

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ANNUAL REPORT

OF THE

STATE TREASURER

OF

MINNESOTA,

FOR THE

FISCAL YEAR ENDING JULY 31, 1893.

MINNEAPOLIS:
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1893

ANNUAL REPORT

OF THE

STATE TREASURER OF MINNESOTA

FOR THE

Fiscal Year Ending July 31, 1893.

STATE OF MINNESOTA,
TREASURER'S OFFICE, St. Paul, August 1, 1893.

To His Excellency, Knute Nelson, Governor of Minnesota:

SIR:—In compliance with the law, I have the honor to herewith submit my annual report, showing the condition of the Treasury at the end of the fiscal year, and the financial transactions of the state for the fiscal year beginning August 1, 1892, and ending July 31, 1893.

The receipts were as follows:

Revenue fund	$2,806,583.21	
Soldiers' relief fund	59,689.11	
Forestry fund	59.689.11	
Redemption fund	59,689.11	
Funding tax fund	59,689.11	
Permanent school fund	484,213.09	
General school fund	1,000,193.89	
Permanent university fund	26,360.52	
General university fund	135 526.82	
Internal improvement fund	14,961 09	
Internal improvement land fund	10,106.65	
Internal improvement land fund interest	2,958.95	
Reform school fund	6,771 18	
State institutions fund	8,296.20	
Swamp land fund	327.60	
School text book fund	11,959.94	
Grain inspection fund	137,035.35	
		$4,884,050.93
From balance in treasury, August 1, 1892		1,803,394.97
		$6,687,445.90

The disbursements were as fcllows:

Revenue fund	$2,374,775.98	
Soldiers' relief fund	43,448.15	
Forestry fund	18,638.04	
Redemption fund	66,000.00	
Funding tax fund	51,695.00	
Permanent school fund	168,613.25	
General school fund	1.021,590.37	
Permanent university fund	300.00	
General university fund	189,531.43	
Internal improvement fund	15,517.47	
Internal improvement land fund	10,018.09	
Internal improvement land fund interest	1,346.34	
State institutions fund	25.00	
Reform school fund	19,591.70	
Grain inspection fund	165,930.49	
School text book fund	6,385.80	
		$4,153,407.11

Leaving balances in treasury, July 31, 1893, as follows:

Revenue fund	$949,403.26	
Soldiers' relief fund	52,247.67	
Forestry fund	21.577.68	
Redemption fund	32,321.78	
Funding tax fund	7,209.40	
Permanent school fund	643,318.27	
General school fund	583,137.73	
Permanent university fund	70,638.67	
General university fund	32,488.59	
Internal improvement fund	304.55	
Internal improvement land fund	5,371.33	
Internal improvement land fund interest	2,652.53	
State institutions fund	31,214.19	
Grain inspection fund	54,695 08	
School text book fund	42,996.45	
Swamp land fund	5,435.32	
	$2,535,012.50	
Reform school fund, overdrawn	973.71	
Balance in treasury		$2,534,038.79

REVENUE FUND.

Receipts.

From balance in treasury August 1, 1892	$ 546,078.53	
From county treasurers, see statement A	1,300.233.52	
From railroad taxes, see statement B	1,036,744.98	
From stumpage, see statement C	6.50	
From miscellaneous sources, see statement E	275,703.44	
From incorporation fees, see statement F	27,810.00	
From insurance companies, see statement I	166,084.77	
From transfer from forestry fund	50,000.00	
From soldiers' relief fund	20,000.00	
From general university fund	15,000.00	
		$3,437,661.74

Disbursements.

Paid state auditor's warrants	$2,374,775.98	
Transferred to general university fund	82,112.60	
Transferred to general school fund	23,358.00	
Transferred to reform school fund	8,012.50	
Balance in treasury July 31, 1893	949,403.26	
	$3,437,661.74	

SOLDIERS' RELIEF FUND.

Receipts.

From balance in treasury August 1, 1892	$56,006.71	
From county treasurers, see statement A.....	59,689.11	
		$115,695.82

Disbursements.

Paid state auditor's warrants	$43,448.15
Transferred to revenue fund	20,000 00
Balance in treasury July 31, 1893	52,247.67
	$115,695.82

FORESTRY FUND.

Receipts.

From balance in treasury August 1, 1892.....	$30,526.61	
From county treasurers, see statement A.....	59,689.11	
		$90,215.72

Disbursements.

Paid state auditor's warrants.....	$18,638.04
Transferred to revenue fund.....	50,000.00
Balance in treasury July 31, 1893	21,577.68
	$90,215.72

REDEMPTION FUND.

Receipts.

From balance in treasury August 1, 1892.....	$38,632 67	
From county treasurers, see statement A.....	59,689 11	
		$98,321.78

Disbursements.

Paid state auditor's warrants.....	$66,000.00
Balance in treasury July 31, 1893.....	32,321.78
	$98,321.78

FUNDING TAX FUND.

Receipts.

From balance in treasury August 1, 1892.....	$215 29	
From county treasurers, see statement A.....	59,689.11	
		$59,904.40

Disbursements.

Paid state auditor's warrants.....	$51,695.00
Transferred to internal improvement land fund interest.....	1,000.00
Balance in treasury July 31, 1893.....	7,209.40
	$59,904.40

PERMANENT SCHOOL FUND.

Receipts.

From balance in treasury August 1, 1892.....	$327,793.63	
From county treasurers, see statement A.....	169,616.62	
From stumpage, see statement C.....	145,377.19	
From mineral leases and contracts, see statement D.....	18,200.00	
From miscellaneous sources, see statement E...	51,699.83	
From school district and county bonds, see statement G.....	99,319.45	
		$812,006.72

Disbursements.

Paid state auditor's warrants	$168,613.25
Transferred to general school fund	75.20
Balance in treasury July 31, 1893	643,318.27
	$812,006.72

The permanent school fund now holds the following securities:

Minnesota funding bonds, 3½ per cent	$159,000.00
Tennessee settlement bonds, 3 per cent	2,310,000.00
Minnesota revenue bonds, 4 per cent	150,000.00
Minnesota building bonds, 4 per cent	150,000.00
School discrict and county bonds, 5 per cent	842,495.18
	$3,611,495.18

GENERAL SCHOOL FUND.

Receipts.

From balance in treasury August 1st, 1892	$581,101.01	
From county treasurers, see statement A	871,100.54	
From miscellaneous sources, see statement E	86,082.50	
From school district and county bonds, see statement G	43,010.85	
Transferred from revenue fund	23,358.00	
Transferred from permanent school fund	75.20	
		$1,604,728.10

Disbursements.

Paid state auditor's warrants	$1,021,590.37
Balance in treasury July 31st, 1893	583,137.73
	$1,604,728.10

PERMANENT UNIVERSITY FUND.

Receipts.

From balance in treasury August 1st, 1892	$44,578.15	
From county treasurers, see statement A	6,237.06	
From stumpage, see statement C	5,661.94	
From mineral leases and contracts, see statement D	6,225.00	
From miscellaneous sources, see statement E	8,236.52	
		$70,938.67

Disbursements.

Paid state auditor's warrants	$300.00
Balance in treasury July 31st, 1893	70,638.67
	$70,938.67

The permanent university fund now holds the following securities:

Minnesota funding bonds 3½ per cent	$300,000.00
Minnesota revenue bonds 4 per cent	50,000.00
Tennessee settlement bonds 3 per cent	90,000.00
	$440,000.00

GENERAL UNIVERSITY FUND.

Receipts.

From balance in treasury August 1st, 1892.....	$19,381.20	
From county treasurers, see statement A.....	21,221.83	
From miscellaneaus source, see statement E...	114,304.99	
Transferred from revenue fund.....	82,112.00	
		$237,020.02

Disbursements.

Paid state auditor's warrants.....	$189,531.43
Transferred to revenue fund.....	15,000.00
Balance in treasury July 31st, 1893.....	32,488.59
	$237,020.02

INTERNAL IMPROVEMENT FUND.

Receipts.

From balance in treasury August 1st, 1892.....	$860.93	
From miscellaneous sources, see statement E...	14,961.09	
		$15,822.02

Disbursements.

Paid state auditor's warrants.....	$15,517.47
Balance in treasury July 31st, 1893.....	304,55
	$15,822.02

INTERNAL IMPROVEMENT LAND FUND.

Receipts.

From balance in treasury August 1st, 1892.....	$5,282.77	
From county treasurers, see statement A.....	9,878.91	
From stumpage, see statement C.....	202.74	
From mineral leases, see statement D.....	25.00	
		$15,389.42

Disbursements.

Paid state auditor's warrants.....	$10,018.09
Balance in treasury July 31st, 1893.....	5,371.33
	$15,389.42

INTERNAL IMPROVEMENT LAND FUND INTEREST.

Receipts.

From balance in treasury, August 1, 1892.....	39.92	
From county treasurers, see statement A.....	2,944.91	
Transferred from funding tax fund.....	1,000.00	
		$3,998.87

Disbursements.

Paid state auditor's warrants.....	$1,346.34
Balance in treasury July 31, 1893.....	2,652.53
	$3,998.87

SCHOOL TEXT BOOK FUND.

Receipts.

From balance in treasury, August 1, 1892.....	$37,422.31	
From county treasurers, see statement H....	11,959 94	
		$49,382.25

Disbursements.

Paid state auditor's warrants.....	$6,385.80	
Balance in treasury, July 31, 1893.....	42.996.45	
	$49,382.25	

STATE INSTITUTIONS FUND.

Receipts.

From balance in treasury, August 1, 1892.....	$22,942.99	
From county treasurers, see statement A.....	595.92	
From stumpage, see statement C.....	1,350.28	
From mineral contracts and leases, see statement D.....	6,350.00	
		$31,239.19

Disbursements.

Paid state auditor's warrant.....	$25.00	
Balance in treasury, July 31, 1893.....	31,214.19	
	$31,239.19	

SWAMP LAND FUND.

Receipts.

From balance in treasury, August 1, 1892.....	$5,107.72	
From stumpage, see statement C.....	327.60	
		$5,435.32

Disbursements.

Balance in treasury, July 31, 1893.....	$5,435.32	

REFORM SCHOOL SALES AND BUILDINGS FUND.

Receipts.

From balance in treasury, August 1, 1892.....	$3,834.31	
From miscellaneous sources, see statem't E..	6,771.18	
Transfered from revenue fund.....	8,012.50	
		$18,617.99

Disbursements.

Paid state auditor's warrants.....	$19,591.71	
Overdrawn, July 31, 1893.....		$973.71

GRAIN INSPECTION FUND.

Receipts.

From balance in treasury, August 1, 1892.....	$83,590.22	
From miscellaneous sources, see statement E..	137,035.35	
		$220,625.57

Disbursements.

Paid state anditor's warrants.....	$165,930.49
Balance in treasury, July 31, 1893.....	54,695.08
	$220,625.57

RECAPITULATION OF RECEIPTS, EXPENDITURES, TRANSFERS AND BALANCES DURING THE FISCAL YEAR ENDING JULY 31, 1893.

FUND.	Balance in treasury August 1, 1892.		Receipts from all sources	Transfers to—	Total rec'pts from all sources including balanc's & transfers.	Total expenditures.	Transfers from—	Total disbursements and transfers.	Balance in treasury July 31, 1893.	
	Dr.	Cr.							Dr.	Cr.
Revenue Fund		$546,078.53	$2,806,583.21	$85,000.00	$3,437,661.74	$2,374,775.98	$113,482.50	$2,488,258.48		$949,403.26
Soldiers' Relief Fund		56,006.71	59,689 11		115,695.82	43 448.15	20,000.00	63.448.15		52,247.67
Forestry Fund		30,526.61	59,689.11		90,215.72	18,638.04	50,000.00	68,638.04		21,577.68
Redemption Fund		38,632.67	59,689.11		98,321.78	66,000.00		66,000.00		32,321.78
Funding Tax Fund		215.29	59,689.11		59,904.40	51,695.00	1,000.00	52,695.00		7,209.40
Permanent School Fund		327,793.63	484,213 09		812,006.72	168,613.25	75.20	168,688.45		643,318.27
General School Fund		581,101.01	1,000,193.89	23,433.20	1,604,728.10	1,021,500.37		1,021,590.37		583,137.73
Permanent University Fund		44,578.15	26,360.52		70,938.67	300.00		300.00		70,638.67
General University Fund		19,381.20	135,526.82	82,112.00	237,020.02	189,531.43	15,000.00	204,531.43		32,488.59
Internal Improvement Fund		860 93	14,961.09		15,822.02	15,517.47		15,517.47		304.55
Internal Improvement Land Fund		5,282.77	10,106.65		15,389.42	10,018.09		10,018.09		5,371.33
Internal Improvement Land Fund Inter'st		39.92	2,958.95	1,000.00	3,998.87	1,346 34		1,346.34		2,652.53
School Text Book Fund		37,422.31	11,959.94		49,382.25	6,385.80		6,385.80		42,996.45
State Institutions Fund		22,942 99	8,296.20		31,239.19	25.00		25.00		31,214.19
Swamp Land Fund		5,107.72	327.60		5,435.32					5,435.32
Reform School Sales and Buildings Fund		3,834.31	6,771.18	8,012.50	18,617.99	19,591.70		19,591.70	973.71	
Grain Inspection Fund		83,500.22	137,035.35		220,625.57	165,930.49		165,930.49		54,695.08
Total		$1,803,394.97	$4,884,050.93	$199,557.70	$6,887,003.60	$4,153,407.11	$199,557.70	$4,352,964.81	$973.71	$2,535,012.50
Deduct Reform School Sales and Buildings Fund overdrawn										$973.71
Balance actual cash in treasury										$2,534'038.79

Held and deposited as follows in:—

Merchants National Bank, St. Paul	$422,255.22
Bank of Minnesota, St. Paul	238,841.60
National German-American Bank, St. Paul	114,028.47
Germania Bank, St. Paul	99,946.64
St. Paul National Bank, St. Paul	18,052.89
Scandinavian-American Bank, St. Paul	11,663 64
Union Bank, St. Paul	48 503 90
Seven Corners Bank, St. Paul	10,092 20
Commercial Bank, St. Paul	105,784.45
West Side Bank, St. Paul	5,704.36
Bank of North St. Paul	22,774 80
First National Bank, St. Paul	43,788.26
Capital Bank, St Paul	6,214.56
Bank of Minneapolis	32,532 80
Security Bank of Minnesota, Minneapolis	33,565.60
State Bank, Minneapolis	75,445 76
Swedish-American Bank, Minneapolis	47,130.18
St. Paul and Minneapolis Trust Co	47,816.53
Washington Bank, Minneapolis	46,171 07
First National Bank, Minneapolis	51,627.93
Union National Bank, Minneapolis	66,580.74
Metropolitan Bank, Minneapolis	30,806.72
Columbia National Bank, Minneapolis	75,882.03
Bank of New England, Minneapolis	61,208.35
Irish-American Bank, Minneapolis	14,893.59
Farmers and Merchants State Bank, Minneapolis	28,219.96
American Exchange Bank, Minneapolis	20,552.61
National Bank of Commerce, Minneapolis	20,141.67
Commercial Bank, Minneapolis	12,000.00
State Bank, Duluth	50,934.18
Iron Exchange Bank, Duluth	17,084.63
Security Bank, Duluth	27,496.15
First National Bank, Little Falls	33,921.18
Merchants Bank, Sleepy Eye	11,211.88
Bank of Sleepy Eye	7,739.65
Yellow Medicine County Bank, Granite Falls	27,380 14
Bank of Wilmar	44,336.53
Security Bank, Luverne	14,068.28
German-American National Bank, St. Cloud	28,330.67
Lac qui Parle County Bank, Madison	7,911.08
First National Bank, Breckenridge	19,883.61
Citizens State Bank, Kenyon	8,347.94
Citizens National Bank, Fergus Falls	14,291.06
Scandia Bank, Crookston	12,175.16
Citizens Bank, Appleton	8,933.00
First National Bank, Glencoe	16,974.29
Granite Falls Bank	16,451.89
Bank of Long Prairie	13,978.17
Brown County Bank, New Ulm	59,022.30
State Bank, Jackson	10,239.97
Farmers National Bank, Owatonna	10,006.47
Renville County Bank, Bird Island	11,975.53
Bank of Litchfield	19,766 77
Bank of Ada	9,708.35
Pipestone County Bank, Pipestone	6,515.55
Scott County Bank, Jordan	14,910.47
Citizens Bank of Redwood Falls	7,245.96
First National Bank of Luverne	13,261.85
Citizens Bank of Princeton	5,168.15
First National Bank, Sauk Center	15,173 08
First National Bank, Alexandria	13,779.90
The German-American Bank, Winona	18,587 63
Renville State Bank	5,661.08
Lyon County Bank, Marshall	10,000.00
State Bank of Anoka	10,066.81
First National Bank, Brainerd	15,733 38
Farmers State Bank, Madison	5,187.70
National Citizens Bank, Mankato	10,819.71
First National Bank, Mankato	13,268.60
First National Bank, Appleton	8,275 97
Citizens Bank, New Ulm	10,075.95
Second National Bank, Winona	20,153.73
Martin County Bank, Fairmont	17,009.06
Total	$2,534,088.79

SUMMARY OF INVESTED FUNDS.

Kinds of Securities.	Permanent school fund.	Permanent university fund.	Total.
Minnesota funding bonds 3½ per cent	$150,000.00	$300,000.00	$450,000.00
Minnesota revenue bonds 4 per cent	150,000.00	50,000.00	200,000.00
Minnesota building bonds 4 per cent	150,000.00		150,000 00
Tennessee settlement bonds 3 per cent	2,310,000.00	90,000.00	2,400,000.00
School district and county bonds 5 per cent	842,495.18		842,495.18
Total	$3,611,495.18	$440,000.00	$4,051,495.18

The following table shows the state collection of taxes from 1860 to 1893:

Tax collected in 1860	$111,918.53	Tax collected in 1877	$432,724.86
Tax collected in 1861	100,186.83	Tax collected in 1878	478,272.21
Tax collected in 1862	133,001.73	Tax collected in 1879	582,936 40
Tax collected in 1863	177,170.43	Tax collected in 1880	380,905.58
Tax collected in 1864	195,418.52	Tax collected in 1881	494,553.88
Tax collected in 1865	218,963.33	Tax collected in 1882	402,600.00
Tax collected in 1866	252,646.96	Tax collected in 1883	315,717.18
Tax collected in 1867	286,447.32	Tax collected in 1884	466,008.05
Tax collected in 1868	276,186.93	Tax collected in 1885	399,766 76
Tax collected in 1869	318,556.86	Tax collected in 1886	658,997.85
Tax collected in 1870	336,460.83	Tax collected in 1887	642,883 52
Tax collected in 1871	310,069.66	Tax collected in 1888	841.601.48
Tax collected in 1872	418.233.71	Tax collected in 1889	1.404,411.71
Tax collected in 1873	467.036.50	Tax collected in 1890	1,488.930 62
Tax collected in 1874	575,167.66	Tax collected in 1891	1.767,397 87
Tax collected in 1875	461.793.89	Tax collected in 1892	1,150.175.96
Tax collected in 1876	442,699.32	Tax collected in 1893	2,121,095.63

The following shows the rate of tax levy and how the state tax collected in 1893 was distributed:

2 2-10 mills levied for revenue fund	$1,290,812.66
1-10 mills levied for soldiers relief fund	59,689.11
1-10 mills levied for forestry fund	59,689.11
1-10 mills levied for redemption fund	59,689.11
1-10 mills levied for funding tax fund	59 689.11
1 mill levied for general school fund	591,526.53
Total	$2,121,095.63

INTEREST ON DEPOSIT.

The income from this source during the last fiscal year amount to $56,708.31.

STATE DEBT.

The total amount of the funded debt of the State on August 1, 1892, was

Minnesota funding bonds (1892) 3½ per cent		$1,754,000.00
Minnesota revenue and building bonds (1889) 4 per cent		400,000.00
Total		$2,154,000.00
Deduct investment in sinking fund	$63,632.56	
Deduct cash in redemption fund	38,632.67	
		$102,265.23
Actual state debt		$2,051,734.77

During the fiscal year the bonded indebtedness of the state has been reduced as follows: Revenue bond, No. 1, $50,000, issued under law of 1889,—paid from redemption fund.

The funding commission, created by "Chapter 31, General Laws, 1891," redeemed $95,000 of the funding bonds of 1891, held by the permanent university fund, by transferring land contracts amounting to $86,763.48, and cash $8,236.52 from the internal improvement land (sinking) fund to the permanent university fund.

The total state debt outstanding at the close of the fiscal year is:

Minnesota funding bonds (1892) 3½ per cent.		$1,659,000.00
Minnesota revenue and building bonds (1889) 4 per cent		350,000.00
Total		$2,009,000.00
Deduct cash in sinking fund	$5,371.33	
Deduct cash in redemption fund	32,321.78	37,693.11
Actual state debt		$1,971,306.89

BUILDING AND LOAN ASSOCIATIONS;

The amount of securities on deposit in this office by building and loan associations at this date, are as follows:

Pioneer Savings and Loan Co., Minneapolis	$631,699.54
American Building and Loan Association, Minneapolis	749,155.05
Northwestern Loan and Building Association, Minneapolis	120,050.00
Inter-State Building and Loan Association, Minneapolis	57,800.00
Minnesota Savings Fund and Investment Co., Minneapolis	566,807.23
Continental Building and Loan Association, St. Paul	157,377 17
National Savings and Loan Association, Minneapolis	30,900.00
Total	$2,413,788.99

Very respectfully, your obedient servant,

JOS. BOBLETER,

St. Paul, August 1, 1893. STATE TREASURER.

STATEMENT OF RECEIPTS FROM COUNTY TREASURERS AND OTHER SOURCES.

FROM WHAT SOURCE RECEIVED.	Revenue.	Soldiers' relief fund.	Forestry fund.	Redemption fund.	Funding tax fund.	Permanent school fund.	General school fund.	Permanent university fund.	General universi'y fund.	Internal improvement land fund.	Internal impr've-ment land fund interest.	State institutions fund.	Total.
Aitkin	$1,325.02	$60 21	$60.21	$60.21	$60.21	.....	$750.01	.....	.....	.....	.....	$346.79	$2,662.66
Anoka	6,815.41	309.77	309.77	309 77	309.77	$1,422.90	4,127 44	.....	.....	.....	.....	.....	13,604.83
Becker	4,460.63	174.24	174.24	174.24	174.24	99.00	3,247.51	.....	.....	.....	.....	.....	8,495.10
Beltrami	1,026.34	46.63	46.63	46.63	46.63	.....	466.61	.....	.....	.....	.....	.....	1,679.47
Benton	2,541 27	115.49	115.49	115.49	115.49	544.00	2,432 01	.....	.....	.....	.....	.....	5,979.24
Big Stone	4,247.48	150.28	150.28	150.28	150.28	1,998.35	5,735.42	.....	.....	.....	.....	.....	12,582.37
Brown	9,163 58	416.06	416.06	416.06	416.06	2,508.00	6,575.15	$408 00	$361.00	.....	.....	.....	20,675.96
Blue Earth	21,042.65	947.37	947.37	947.37	947 37	423 00	11,878 31	238.00	568.38	.....	.....	.....	37,939 82
Carlton	5,242 40	238.27	238.27	238.27	238.27	1,833.08	4,784.94	.....	.....	.....	.....	.....	12,813.50
Carver	5,623.85	391.98	391.98	391.98	391.98	665.50	4,389.67	.....	.....	.....	.....	.....	15,246.94
Cass	5,607.15	254.85	254.85	254.85	254.85	.....	2,557.78	.....	.....	.....	.....	.....	9,184.33
Clay	6,926.41	311.48	311.48	311.48	311.48	2,315.00	10,307.70	.....	3,038.48	$240.00	$70.00	.....	24,143.51
Cook	926.92	42.11	42.11	42.11	42.11	.....	431.03	.....	.....	.....	.....	.....	1,526.39
Chippewa	5,190.49	231.69	231.69	231.69	231.69	391.00	6,622.25	.....	8.50	.....	.....	.....	13,139.00
Chisago	4,202.26	195.08	195.08	195.08	195.08	408.00	3,759.06	.....	.....	.....	.....	.....	9,239.64
Cottonwood	5,820 63	264.56	264.56	264.56	264.56	1,544.00	5,118.83	.....	.....	.....	.....	.....	13,541.70
Crow Wing	4,334.06	196.98	196.98	196.98	196.98	678.16	2,602.21	.....	.....	.....	.....	.....	8,402 35
Dakota	22,632.76	1,028.76	1,028.76	1,028.76	1,028.76	.....	11,850.47	.....	.....	.....	.....	.....	38,598.27
Dodge	8,933.17	406.04	406.04	406.04	406.04	475 00	4,744.37	.....	61.48	.....	.....	.....	15,838.18
Douglas	7,058.01	320.81	320.81	320.81	320.81	1,307.00	9,103.56	.....	30.15	.....	.....	.....	18,781.96
Faribault	12,602.39	572.82	572.82	572.82	572.82	1,263.25	10,080.76	.....	1,031.94	.....	.....	.....	27,269.62
Fillmore	18,855.59	857.05	857 05	857.05	857 05	2,020.00	10,812.78	.....	.....	.....	.....	.....	35,116.57
Freeborn	12,470 66	566.84	566.84	566.84	566.84	1,840 59	9,338 50	255.00	2,071.09	.....	.....	.....	28,243.29
Hennepin	325,346.87	14,788 02	14,788.02	14,788.02	14,788.02	1,270 82	152,486.78	.....	.....	.....	.....	.....	538,250.55
Houston	7,661.50	348.24	348.24	348.24	348.24	270.50	4,459.55	.....	.....	.....	.....	.....	13,784.51
Hubbard	1,586.37	70 91	70.91	70.91	70.91	92.75	931.93	.....	.....	.....	.....	20.75	2,915.44
Goodhue	22,444.98	1,020.21	1,020.21	1,020.21	1,020 21	1,711 50	11,034.31	.....	.....	.....	.....	.....	39,271.63
Grant	3,933.76	178.80	178.80	178.80	178.80	906.19	6,669.29	.....	.....	.....	.....	.....	12,224.44
Isanti	2,390.60	108.65	108.65	108.65	108.65	1,951.10	2,263.51	.....	.....	.....	.....	.....	7,039.81
Itasca	4,279.45	194.50	194.50	194.50	194.50	.....	1,995.73	.....	17.00	.....	.....	.....	7,070.18
Jackson	11,196.98	508.93	508.93	508.93	508.93	17,829.70	33,040.36	.....	.....	.....	.....	.....	64,102 76
Kanabec	1,007.95	45.80	45.80	45.80	45.80	212.00	648.86	.....	34.65	.....	.....	.....	2,086.66
Kandiyohi	12,275.80	401.89	401.89	401.89	401.89	7,055.58	10,514.64	.....	590.56	.....	17.00	.....	32,061.14
Kittson	2,781.82	126.43	126.43	126.43	126.43	1,671.00	2,686.33	.....	.....	.....	.....	.....	7,644.87
Lac qui Parle	8,776.71	331.79	331.79	331.79	331.79	1,713.00	5,732.99	.....	23.96	.....	.....	33.10	17,806.92
Lake	2,841.13	129.13	129.13	129.13	129.13	.....	1,309.14	.....	.....	.....	.....	.....	4,666.79
Le Sueur	9,523.44	432.87	432.87	432 87	432.87	.....	4,424.29	.....	.....	.....	.....	.....	15,679.21
Lincoln	3,515.24	159.76	159.76	159.76	159.76	1,015.00	3,849.27	.....	.....	.....	.....	.....	9,018.55

STATEMENT OF RECEIPTS FROM COUNTY TREASURERS AND OTHER SOURCES.—*Concluded.*

FROM WHAT SOURCE RECEIVED.	Revenue.	Soldiers' relief fund.	Forestry fund.	Redemption fund.	Funding tax fund.	Permanent school fund	General school fund.	Permanent university fund.	General universi'y fund.	Internal improvement land fund.	Internal impr'vement land fund interest.	State institutions fund.	Total.
Lyon	6,579.72	299.06	299.06	299.06	299.06	10,087.20	8,629 88	1,581.40	498.45				28,572.89
McLeod	9,703.43	441.04	441.04	441.04	441.04	1,283 00	6,464.28	363.00	1,451.58				21,029 45
Marshall	4,918.27	160 87	160.87	160.87	160.87		3.592.95						9,154.70
Martin	12.862 60	584.65	584 65	584.65	584.65	10.655.00	27.407.69						53.263.89
Meeker	8.185.70	372.02	372.02	372.02	372.02	806.00	4.6 3.42		386.24				15,469.44
Mille Lacs	2,704.91	122 02	122.02	122.02	122 02		2.047 02						5,240.01
Morrison	5.263 94	239.25	239.25	239 25	239 25	2,074.00	6,188.47		9.35				14.492 76
Mower	13.723.17	623.77	623.77	623.77	623.77	340.00	10 125.90		191 02				26.875.17
Murray	5.671.33	257.76	257.76	257 76	257.76	1,886.00	11.466.55		765.46				20.818.38
Nicollet	9.237.67	419.88	419.88	419.88	419.88	697.00	5,681.92	90.00	660.07				18,046.18
Nobles	3.007.72	136.70	136.70	136.70	136.70	2.800.00	4,717.01						11,080 53
Norman	5.143.49	231 73	231.73	231.73	231.73	1,819.00	8,391 59	952.00	1.076.00				18,309.00
Olmsted	18.022.20	818 27	818 27	818 27	818.27	651.00	8.524.15						30.470 43
Otter Tail	14.201.38	560.09	560.09	560.09	560.09	6,325.38	18,714 12		31.52	594.90	172.61		42.280.27
Pine	2,880.15	130 90	130.90	130.90	130.90	18.00	1,635.49						5.057 24
Pipestone	4,195.14	190 63	190.63	190 63	190.63	170.00	6,591.53						11,719.29
Polk	951.51	41 64	41.64	41 64	41.64	3,440.23	4,232.60						8,790.90
Pope	13,407.25	601 88	601 88	601 88	601 88	2,968.25	14,695.89	60.00	334.99	533.12	157.10		34.564.12
Ramsey	264,737.63	13,215.24	13,215.24	13.215.24	13.215.24		124,489.06						442,087.65
Redwood	8.715.34	396 14	396.14	396.14	396.14	9.690 34	11.164.68	72.00	19.82	227.00	81.36		31,555.10
Renville	8,947.16	418 50	418.50	418.50	418.50	5,350.15	12.198.77		87.32		157.20		28.409.60
Rice	15.182.77	690.12	690.12	690.12	690.12	522.69	7 771.40						36.237.34
Rock	6,404 29	291.18	291 18	291 18	291.18		7,079.97						14.648.98
St. Louis	92,571.17	4,207 78	4,207.78	4,207.78	4.207 78	678.66	47,545 37					122.55	157,748.87
Scott	2,367.15	107.59	107.59	107.59	107.59	300.00	1,618.53						4,716.04
Sherburne	2 929.39	133.14	133.14	133 14	133 14	170.00	2.746.26		272.43				6,650.64
Sibley	8.683.48	394.68	394.68	394.68	394.68	2.332.50	7 556.31		1,520.36		18.89	45.48	21,735.74
Stearns	21,493.2'	976 95	976.95	976.95	976.95	1,361.00	18,023.05	20.97	1,650.18	272.00	10.80		46.739.00
Steele	10.590 29	481.37	481.37	481 37	481.37	684 00	6.009.38		326.81				19.535.96
Stevens	5,322 97	154.35	154.35	154 35	154.35	8,137.00	7.116.28		10.20	174.00	46.17		21,424.02
Swift	5.206 55	235.79	235.79	235.79	235.79	7.383.11	9.557.16						23,088.98
Todd	5.193 32	236.05	236.05	236.05	236.05	1,756 25	4.000.23			940.12	179.56		13.013.68
Traverse	3,602.12	123 14	123.14	123.14	123.14	6,161.50	6,931.24						17.187.42

Wabasha.....	10,795.31	489.23	489.23	489.23	489.23	466.90	5.435.01	.....	.....	....	.....	.....	18,554.14
Wadena	2,133.72	96.97	96.97	96.97	96.97	262 00	2.015.80	.....	.....	.....	... .	15.15	4.814 55
Waseca.....	7.869.98	357.72	357.72	357.72	357.72	492.35	4.531.46	.....	664.51	.....	.....	....	14.989.18
Washington,....	22,451.54	1.020 51	1,020.51	1,020.51	1.020.51	1,462.67	11,399.21	....	.....	.....	.....	.....	39.395.46
Watonwan	6.086.97	276.66	276.66	276.66	276.66	6,698 00	6.240.86	.....	496.21	.....	.....	.....	20,628.68
Wilkin	3,486.86	158.48	158.48	158.48	158.48	6.012.47	9,085.31	1,684.69	1,971.20	6,897.77	2.013.41	12.10	31.797.73
Winona	26,015.64	1,182.52	1,182.52	1,182.52	1,182.52	1,169.00	13.015.04	.....	.....	.....	.....	.....	44.929.78
Wright	11.814.20	537.00	537.00	537.00	537 00	1.194.00	7,534 30	512.00	961.98	.....	.....	.....	24,164.43
Yellow Medicine	7,272.16	330.54	330.54	330 54	330.54	3,882.00	10,572.86	.....	.....	....	20.81	.....	23,069.99
Total.....	$1,300,233.52	$59,689.11	$59,689.11	$59,689.11	$59,689.11	$169,616.62	$871,100.54	$6,237.06	$21,221.83	$9,879.81	$2,944.91	$5 95 .92	$2,620,585.75

STATEMENT OF RECEIPTS FROM COUNTY

FROM WHAT SOURCE RECEIVED.	Revenue fund.	Soldiers' relief fund.	Forestry fund.	Redemption fund.	Funding tax fund.	Permanent school fund.	General school fund.	Permanent University fund.
Total stat. "A"	$1,300,233.52	$59,689.11	$59,689.11	$59,689.11	$59,689.11	$169,616 62	$871,100.54	$6,237.06
Total stat. "B"	1,036,744.98	.....	.....	.....	.....	.....	.....	.....
Total stat. "C"	6.50	.....	.....	.....	.....	145,377.19	.....	5,661.94
Total stat. "D"	.....	.....	.....	.....	.....	18,200.00	.....	6,225.00
Total stat. "E"	275,703.44	.....	.....	.....	.....	51,699 83	86,082.50	3,258.52
Total stat. "F"	27,810.00	.....	.....	.....	.....	.....	.....	.....
Total stat. "G"	.....	.....	.....	.....	.....	99,319.45	43,010.85	.....
Total stat. "H"	.....	.....	.....	.....	.....	.....	.....	.....
Total stat. "I"	166,084.77	.....	.....	.....	.....	.....	.....	.....
Grand total....	$2,806,583.21	$59,689.11	$59,689.11	$59,689.11	$59,689.11	$484,213.09	$1,000,193.89	$26,160.52

TREASURERS AND ALL OTHER SOURCES.

General University fund.	Internal improvem't fund.	Internal improvem't land fund.	Internal improvem't land fund interest.	Reform school fund.	Swampland fund.	State institutions fund.	School text books.	Grain inspection fund.	Total.
$21,221.83	... .	$9,878.91	$2,944.91	.....	.....	$596.92	.....	.....	$2,620,585.75
.....	.....	.....	.....	.....	.....	.....	.....	.....	1,036,744.98
.....	.....	202 74	14.04	.....	$327.60	1,350.28	.....	.....	152,940.29
.....	.....	25.00	.....	.....	.....	6,350.00	.....	.....	30,800.00
114,304.99	$14,961.09	.....	.....	$6,771.18	.....	.....	.....	$137,035.35	604,794.90
.....	.....	.....	.....	.....	.....	.....	.....	.....	27,810.00
... .	.....	.....	.....	.....	.....	.....	.....	.....	142,330.30
.....	.....	.....	.....	.....	.....	.....	$11,959.94	.....	11,959.94
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
$135,526.82	$14,961.09	$10,106.65	$2,958.95	$6,771.18	$327.60	$8,296.20	$11,959.94	$137,035.35	$4,884,050.93

STATEMENT "A."

Showing in detail the receipts into the treasury from August 1, 1892, to July 31, 1893, from county treasurers, from state auditor's drafts.

AITKIN COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent University.	General University.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
September 8, 1892	18,172												$262.55	$262.55
November 27, 1892	18,295	$57.58	$2.61	$2.61	$2.61	$2.61		$29.50						97.52
November 27, 1892	18,327							28.72					3.53	37.24
April 4, 1893	18,724	336.37	15.28	15.28	15.28	15.28		148.38						545.87
June 29, 1893	20,263	931.07	42.32	42.32	42.32	42.32		425.09						1,525.44
July 5, 1893	20,358							118.32					75.72	194.04
Totals		$1,325.02	$60.21	$60.21	$60.21	$60.21		$750.01					$346.79	$2,662.86

ANOKA COUNTY.

October 5, 1892	18,231						$468.00	$96.88						$564.88
December 3, 1892	18,362	$467.88	$21.26	$21.26	$21.26	$21.26		233.72						786.64
December 3, 1892	18,373						348.00	177.71						525.71
April 6, 1893	18,736							95.51						95.51
April 6, 1893	18,724	1,944.06	88.36	88.36	88.36	88.36		910.12						3,207.62
July 31, 1893	20,348	4,403.47	200.15	200.15	200.15	200.15		2,014.49						7,218.56
July 31, 1893	20,405						606.90	599.01						1,205.91
Totals		$6,815.41	$309.77	$309.77	$309.77	$309.77	$1,422.90	$4,127.44						$13,604.83

BECKER COUNTY.

November 27, 1892	18,296	$184.87	$8.39	$8.39	$8.39	$8.39		$87.47						$305.70
November 27, 1892	18,328						$90.00	398.42						488.42
November 27, 1892	18,358	136.72												136.72
January 10, 1893	18,479	490.40												490.40
April 12, 1893	18,849							335.82						335.82
April 6, 1893	18,802	1,437.51	65.34	65.34	65.34	65.34		657.12						2,355.99
June 6, 1893	20,316	2,211.33	100.51	100.51	100.51	100.51		1,010.71						3,624.08
July 8, 1893	20,359							703.37						703.37
July 18, 1893	20,450							54.60						54.60
Totals		$4,460.63	$174.24	$174.24	$174.24	$174.24	$90.00	$3,247.51						$8,405.10

BELTRAMI COUNTY.

December 17, 1892	18,420	$3.02	$0.13	$0.13	$0.13	$0.13	.....	$1.36	.....	.....	.....	.....	.....	$4.90
April 6, 1893	18,803	17.84	0.80	0.80	0.80	0.80	.....	8.22	.....	.....	.....	.....	.....	29.26
June 29, 1893	20,329	1,005.48	45.70	45.70	45.70	45.70	.....	457.06	.....	.....	.....	.....	.....	1,645.31
Totals	.....	$1,026 34	$46.63	$46.63	$46.63	$46.63	.....	$466.61	.....	.....	.....	.....	.....	$1,679.47

BENTON COUNTY.

December 10, 1892	18,391	.....	.....	.....	.....	.....	.....	$410.64	.....	.....	.....	.....	.....	$410.64
December 10, 1892	18,404	$230.22	$10.46	$10.46	$10.46	$10.46	.....	118.94	.....	.....	.....	.....	.....	385.00
April 14, 1893	18,850	.....	.....	.....	.....	.....	$170.00	174.49	.....	.....	.....	.....	.....	344.49
April 6, 1893	18,804	641.97	29.17	29.17	29.17	29.17	.....	295.55	.....	.....	.....	.....	.....	1,054.20
June 26, 1893	20,306	.....	.....	.....	.....	.....	374.00	672.00	.....	.....	.....	.....	.....	1,046.00
July 1, 1893	20,317	1,660.08	75 86	75.86	75.86	75.86	.....	766.39	.....	.....	.....	.....	.....	2,738.91
Totals	.....	$2,541.27	$115.49	$115.49	$115.49	$115.49	$544.00	$2,432.01	.....	.....	.....	.....	.....	$5,979.24

BIG STONE COUNTY.

August 8, 1892	18,113	.....	.....	.....	.....	.....	$1,898.35	$532.56	.....	.....	.....	.....	.....	$2,430.91
November 28, 1892	18,297	*$58.00 330.23	$15.01	$15.01	$15.01	$15.01	.....	173.28	.....	.....	.....	.....	.....	621.55
November 28, 1892	18,329	.....	.....	.....	.....	.....	.....	1,128.26	.....	.....	.....	.....	.....	1,128.26
April 3, 1893	18,694	.....	.....	.....	.....	.....	.....	357.68	.....	.....	.....	.....	.....	357.68
April 3, 1893	18,708	+47.61 ‡317.22	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	364.83
April 3, 1893	18,680	¶76.97 1,592.31	72.38	72.38	72.38	72.38	.....	749.83	.....	.....	.....	.....	.....	2,708.63
June 17, 1893	20,244	1,383.65	62.89	62.89	62.89	62.89	.....	634.02	.....	.....	.....	.....	.....	2,269.23
June 17, 1893	20,247	441.49	.....	.....	.....	.....	100.00	2,159.79	.....	.....	.....	.....	.....	441.49
July 26, 1893	20,298	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,259.79
Totals	.....	$4,247.48	$150.28	$150.28	$150.28	$150.28	$1,998.35	$5,735 42	.....	.....	.....	.....	.....	$12,582.37

*S. G. 87. †S. G. 89. ‡S. G. 91. ¶S. G. 87.

BROWN COUNTY.

December 9, 1892	18,393	.....	.....	.....	.....	.....	$680.00	$36.52	.....	$33.82	.....	.....	.....	$750.34
December 9, 1892	18,406	$269.12	$9.50	$9.50	$9.50	$9.50	.....	65.36	.....	.....	.....	.....	.....	312.48
April 12, 1893	18,852	.....	.....	.....	.....	.....	195.00	105.93	.....	50.92	.....	.....	.....	351.85
April 6, 1893	18,806	2,041.36	92.79	92.79	92.79	92.79	.....	927.91	.....	.....	.....	.....	.....	3,340.43
April 6, 1893	18,831	10.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	10.00
June 23, 1893	20,291	6,903.10	313.77	313.77	313.77	313.77	.....	3,138.07	.....	.....	.....	.....	.....	11,296.25
July 17, 1893	20,404	.....	.....	.....	.....	.....	1,628.00	2,301.36	$408.00	277.25	.....	.....	.....	4,614.61
Totals	.....	$9,163.58	$416.06	$416.06	$416.06	$416.06	$2,503.00	$6,575.15	$408.00	$361.99	.....	.....	.....	$20,675.96

STATEMENT "A"—*Continued.*

BLUE EARTH COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue.	Soldiers' relief.	Forestry.	Red'mption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
January 7, 1893.....	18,392	.....	.....	.....	.....	.....	.....	$188.52	$238.00	$87.44	.....	.....	.....	$513.96
January 7, 1893.....	18,405	$329.04	$14.95	$14.95	$14.95	$14.95	.....	148.30	.....	.....	.....	.....	.....	537.14
April 7, 1893.....	18,805	4,761.41	207.33	207.33	207.33	207.33	.....	2,156.03	.....	.....	.....	.....	.....	7,746.76
July 12, 1893.....	20,344	15,952.20	725.09	725.09	725.09	725.09	.....	7,257.54	.....	.....	.....	.....	.....	26,110.10
July 10, 1893.....	20,360	.....	.....	.....	.....	.....	$423.00	2,127.92	.....	480.94	.....	.....	.....	3,031.86
Totals	.....	$21,042.65	$947.37	$973.37	$947.37	$947.37	$423.00	$11,878.31	$238.00	$568.38	.....	.....	.....	$37,939.82

CARLTON COUNTY.

August 8, 1892.....	18,108	$2,374.86	$107.94	$107.94	$107.94	$107.94	.....	$1,084.20	.....	.....	.....	.....	.....	$3,890.82
September 9, 1892...	18,196	.....	.....	.....	.....	.....	$1,446.08	397.46	.....	.....	.....	.....	.....	1,843.54
September 8, 1892...	18,205	.....	.....	.....	.....	.....	200.00	.....	.....	.....	.....	.....	.....	200.00
January 7, 1893.....	18,510	.....	.....	.....	.....	.....	.....	798.49	.....	.....	.....	.....	.....	798.49
January 3, 1893.....	18,495	50.27	2.69	2.69	2.69	2.69	.....	31.60	.....	.....	.....	.....	.....	101.63
April 10, 1893.....	18,853	620.86	28.63	28.63	28.63	28.63	.....	297.09	.....	.....	.....	.....	.....	1,041.47
July 6, 1893.....	20,357	2,178.41	99.01	99.01	99.01	99.01	.....	1,009.35	.....	.....	.....	.....	.....	3,583.80
July 25, 1893.	20,486	.....	.....	.....	.....	.....	187.00	1,166.75	.....	.....	.....	.....	.....	1,353.75
Totals.	.....	$5,242.40	$238.27	$238.27	$238.27	$238.27	$1,833.08	$4,784.94	.....	.....	.....	.....	.....	$12,813.50

CARVER COUNTY.

December 24, 1892.	18,423	$238.84	$10.85	$10 85	$10.85	$10.85	.....	$115.60	.....	.....	.....	.....	.....	$397.84
January 10, 1893....	18,484	.....	.....	.....	.....	.....	$110.50	.....	.....	.....	.....	.....	.....	110.50
April 3, 1893.....	18,725	2,727.10	123.95	123.95	123.95	123.95	.....	1,241.76	.....	.....	.....	.....	.....	4,464.66
July 10, 1893.....	20,318	5,657.91	257.18	257.18	257.18	257.18	.....	2,575.92	.....	.....	.....	.....	.....	9,262.55
July 10, 1893.....	20,414	.....	.....	.....	.....	.....	555.00	456.30	.....	.....	.....	.....	.....	1,011.39
Totals.....	.....	$8,623.85	$391.98	$391.98	$391.98	$391.98	$665.50	$4,389.67	.....	.....	.....	.....	.....	$15,246.94

CASS COUNTY.

December 19, 1892..	18,421	$49.06	$2.22	$2.22	$2.22	$2.22	.....	$21.21	.....	.....	.....	.....	.....	$79.15
April 1, 1893.....	18,807	442.20	20 00	20.09	20.09	20.09	.....	199.21	.....	.....	.....	.....	.....	721.77
July 7, 1893.....	20,361	.....	.....	.....	.....	.....	.....	8.50	.....	.....	.....	.....	.....	8.50
July 7, 1893	20,319	5,115.89	232.54	232.54	232.54	232.54	.....	2,328.86	.....	.....	.....	.....	.....	8,374.91
Totals.....	.....	$5,607.15	$254.85	$254.85	$254.85	$254.85	.....	$2,557.78	.....	.....	.....	.....	.....	$9,184.33

CHIPPEWA COUNTY.

October 3, 1892.... .	18,236	$93.19	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$93.19
December 3, 1892....	18,298	95.95	$4.36	$4.36	$4.36	$4.36	.....	$44.54	.....	.....	.....	.....	.....	157.93
December 3, 1892...	18,330	.....	.....	.....	.....	.....	.....	218.45	.....	.....	.....	.....	.....	218.45
April 3, 1893.....	18,695	.....	.....	.....	.....	.....	$391.00	588.18	.....	.....	.....	.....	.....	979.18
April 3, 1893.....	18,681	1,614.99	73.40	73.40	73.40	73.40	.....	735 17	.....	.....	.....	.....	.....	2,643.76
June 23, 1893.....	20,273	3,386.36	153.93	153.93	153.93	153.93	.....	1,538.20	.....	.....	.....	.....	.....	5,540.28
June 28, 1893.....	20,295	.....	.....	.....	.....	.....	.....	3,470.21	.....	$8.50	.....	.....	.....	3,478.71
June 6, 1893....	19,022	.....	.....	.....	.....	.....	.....	27.50	.....	.....	.....	.....	.....	27.50
Totals.....	.....	$5,190.49	$231.69	$231.69	$231.69	$231.69	$391.00	$6,622.25	.....	$8.50	.....	.....	.....	$13,139.00

CHISAGO COUNTY.

November 27, 1892..	18,300	$196.18	$8.91	$8.91	$8.91	$8.91	.....	$51.86	.....	.....	.....	.....	.....	$283.68
November 27, 1892..	18,331	.....	.....	.....	.....	.....	.....	192.79	.....	.....	.....	.....	.....	192.79
April 3, 1893.....	18,696	.....	.....	.....	.....	.....	$238.00	202.37	.....	.....	.....	.....	.....	440.37
April 3, 1893.....	18,682	1,773.82	80.62	80.62	80.62	80.62	.....	755.22	.....	.....	.....	.....	.....	2,851.52
June 26, 1893.....	20,303	.....	.....	.....	.....	.....	170.00	1,498.07	.....	.....	.....	.....	.....	1,668.07
June 26, 1893.....	20,246	2,322.26	105.55	105.55	105.55	105.55	.....	1,058.75	.....	.....	.....	.....	.....	3,803.21
Totals.....	.....	$4,292.26	$195.08	$195.08	$195.08	$195.08	$408.00	3,759.06	.....	.....	.....	.....	.....	$9,239.64

CLAY COUNTY.

August 8, 1892.....	18,125	.....	.....	.....	.....	.....	$2,315.00	$675.65	.....	.....	$240.00	$70.00	.....	$3,300.65
December 17, 1892..	18,424	$367.80	$16.71	$16.71	$16.71	$16.71	.....	182.09	.....	.....	.....	.....	.....	616.73
January 3, 1893.....	18,485	.....	.....	.....	.....	.....	.....	999.97	.....	$31.12	.....	.....	.....	1,031.09
April 3, 1893.....	18,853	.....	.....	.....	.....	.....	.....	1,324.02	.....	166.00	.....	.....	.....	1,490.02
April 4, 1893.....	18,808	S. G. 73.45 2,969 96	134.99	134.99	134.99	134.99	.....	1,360.57	.....	.....	.....	.....	.....	4,943.94
July 1, 1893.....	20,320	3,515.20	159.78	159.78	159.78	159.78	.....	1,607.76	.....	.....	.....	.....	.....	5,762.08
July 10, 1893.....	20,409	.....	.....	.....	.....	.....	.....	4,157.64	.....	2,841.36	.....	.....	.....	6,999.00
Totals.....	.....	$6,926.41	$311.48	$311.48	$311.48	$311.48	$2,315.00	$10,307.70	.....	$3,038.48	$240.00	$70.00	.....	$24,143.51

STATEMENT "A"—*Continued.*

COOK COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Parmanent school.	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
December 13, 1892..	18,299	$49.59	$2.25	$2.25	$2 25	$2.25	.....	$24.64	.....	.....	.....	.....	.....	$83.23
April 17, 1893.....	18,809	79.42	3.60	3.60	3.60	3.60	.....	39.51	.....	.....	.....	.....	.....	133.30
June 23, 1893.....	20,245	797.91	36.26	36.26	36.26	36.26	.....	366.82	.....	.....	.....	.....	.....	1,309.77
Totals.....	.....	$926.92	$42.11	$42.11	$42 11	$42.11	.....	$431.03	.....	.....	.....	.....	.....	$1,526.30

COTTONWOOD COUNTY.

December 13, 1892..	18,304	.....	.....	.....	.....	.....	.....	$812.97	.....	.....	.....	.....	.....	$812.97
December 13, 1892..	18,407	$138.49	$6.29	$6 29	$6 29	$6.29	.....	66.46	.....	.....	.....	.....	.....	230.11
April 14, 1893..	18,854	.....	.....	.....	.....	.....	$1,544.00	1,604.30	.....	.....	.....	.....	.....	3,148.30
April 14, 1893.....	18,810	1,681.18	76.41	76.41	76.41	76.41	.....	767.70	.....	.....	.....	.....	.....	2,754.52
July 1, 1893	20,271	4,000.96	181.86	181.86	181.86	181.86	.....	1,823.20	.....	.....	.....	.....	.....	6,551.60
May 10, 1893.....	18,990	.....	.....	.....	.....	.....	.....	44.20	.....	.....	.....	.....	.....	44.20
Totals.....	.....	$5,820.63	$264.56	$264.56	$264.56	$264.56	$1,544.00	$5,118.83						$13,541.70

CROW WING COUNTY.

October 10, 1892.....	18,241	.....	.....	.....	.....	.....	$278.16	$76.59	.....	.....	.....	.....	.....	$454.75
November, 28, 1892.	18,363	$301.86	$13.72	$13 72	$13.72	$13.72	.....	156.89	.....	.....	.....	.....	.....	513.63
November, 18, 1892.	18,374	.....	.....	.....	.....	.....	200.00	40.50	.....	.....	.....	.....	.....	240.50
April 14, 1893.....	18,855	.....	.....	.....	.....	.....	.....	85.92	.....	.....	.....	.....	.....	85.92
April 10, 1893.....	18,811	1,216.30	55.28	55.28	55.28	55.28	.....	571.46	.....	.....	.....	.....	.....	2,008.88
July 1, 1893..... ..	20,321	2,815.90	127.98	127.98	127.98	127.98	.....	1,423.37	.....	.....	.....	.....	.....	4,751.19
July 7, 1893.....	25,362	.....	.....	.....	.....	.....	100.00	247.48	.....	.....	.....	.....	.....	347.48
Totals.....	.....	$4,334.06	$196.98	$196.98	$196.98	$196.98	$678.16	$2,602.21						$8,402.35

DAKOTA COUNTY.

August 17, 1892	18,161							$24.62						$24.62
December 17, 1892	18,422	$831.60	$27.80	$27.80	$27.80	$27.80		416.74						1,399.54
January 7, 1893	18,486							105.27						105.27
April 11, 1893	18,856							154.15						154.15
April 4, 1893	18,812	5,036.24	228.92	228.92	228.92	228.92		2,321.56						8,273.48
July 25, 1893	20,451							1,167.09						1,167.09
July 25, 1893	20,442	16,764.92	762.04	762.04	762.04	762.04		7,661.04						27,474.12
Totals		$22,632.76	$1,028.76	$1,028.76	$1,028.76	$1,028.76		$11,850.47						$38,598.27

DODGE COUNTY.

December 10, 1892	18,295						$85.00	$25.68						$110.68
December 10, 1892	18,408	$112.96	$5.13	$5.13	$5.13	$5.13		51.87						185.35
April 12, 1893	18,857							108.15						108.15
April 4, 1893	18,813	2,406.67	109.39	109.39	109.39	109.39		1,094.22						3,938.45
July 11, 1893	20,423	6,413.54	291.52	291.52	291.52	291.52		2,916.72						10,496.34
July 20, 1893	20,432						390.00	547.73		$61.48				999.21
Totals		$8,933.17	$406.04	$406.04	$406.04	$406.04	$475.00	$4,744.37		$61.48				$15,838.18

DOUGLASS COUNTY.

November 26, 1892	18,301	$146.11	$6.64	$6.64	$6.64	$6.64		$69.65						$242.32
November 26, 1892	18,332						$170.00	539.47						709.47
March 30, 1893	18,737						510.00	1,479 78						1,989.78
March 30, 1893	18,726	2,606.33	118.47	118.47	118.47	118.47		1,186.71						4,266.92
June 22, 1893	20,277	4,305.57	195.70	195.70	195.70	195.70		1,958.56						7,046.93
July 18, 1893	20,437						627.00	3,869.39		$30.15				4,526.49
Totals		$7,058.01	$320.81	$320.81	$320.81	$280.81	$1,307.00	$9,103.56		$30.15				$18,781.96

FARIBAULT COUNTY.

December 17, 1892	18,425	$312.20	$14.18	$14.18	$14.18	$14.18		$149.94						$518.86
January 7, 1893	18,487							382.79		$189.77				572.56
April 11, 1893	18,814	3,634.10	165.18	165.18	165.18	165.18		1,665.61						5,960.43
April 17, 1893	18,858						$344.25	643.77		161.40				1,149.42
July 5, 1893	20,345	8,656.09	393.46	393.46	393.46	393.46		3,952.92						14,182.85
May 26, 1893	19,009							47.25						47.25
July 20, 1893	20,412						919.00	3,238.45		680.77				4,838.25
Totals		$12,602.39	$572.82	$572.82	$572.82	$572.82	$1,263.25	$10,080.76		$1,031.94				$27,269.62

STATEMENT "A"—*Continued.*

FILLMORE COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent University.	General University.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
November 25, 1892..	18,302	$216.01	$9.81	$9.81	$9.81	$9.81	.....	$96.04	.....	.....	.....	.....	.....	$351.29
November 25, 1892..	18,353	.....	.....	.....	.....	.....	$660.00	323 32	.....	.....	.....	.....	.....	983.32
April 22, 1893.....	18,904	.....	.....	.....	.....	.....	.....	105.69	.....	.....	.....	.....	.....	105.69
April 4, 1893.....	18,815	7,442.40	338 29	338.29	338.29	338.29	.....	3,390.05	.....	.....	.....	.....	.....	12,185.61
July 21, 1893.....	20,444	.....	.....	.....	.....	.....	1,360.00	1,798.85	.....	.....	.....	.....	.....	3,158.85
July 24, 1893.....	20,440	11,197.18	508.95	508.95	508.95	508.95	.....	5,098.83	.....	.....	.....	.....	.....	18,331.81
Totals.....	.....	$18,855.59	$857.05	$857.05	$857.05	$857.05	$2,020.00	$10,812.78	.....	.....	.....	.....	.....	$35,116.57

FREEBORN COUNTY.

December 17, 1892..	18,426	$288.04	$13.09	$13.09	$13.09	$13.09	.....	$138.94	.....	.....	.....	.....	.....	$479.34
December 31, 1892..	18,488	.....	.....	.....	.....	.....	$905.59	575.82	.....	$399.12	.....	.....	.....	1,880.53
April 4, 1893.....	18,607	.....	.....	.....	.....	.....	170.00	567.64	$255.00	384.42	.....	.....	.....	1,377.06
April 4, 1893.....	18,683	2,759.02	125.41	125.41	125.41	125.41	.....	1,256.79	.....	.....	.....	.....	.....	4,517.45
June 22, 1893.....	20,266	9,423.60	428.34	428.34	428.34	428.34	.....	4,280.26	.....	.....	.....	.....	.....	15,417.22
July 13, 1893.....	20,411	.....	.....	.....	.....	.....	765.00	2,519.14	.....	1,287.55	.....	.....	.....	4,571.69
Totals.....	.....	$12,470.66	$566.84	$566.84	$566.84	$566.84	$1,840.59	$9,338.59	$255.00	$2,071.09	.....	.....	.....	$28,243.29

GOODHUE COUNTY.

November 26, 1892..	18,303	$400.83	$18.21	$18.21	$18.21	$18.21	.....	$197.38	.....	.....	.....	.....	.....	$671.05
November 26, 1892..	18,334	.....	.....	.....	.....	.....	.....	101.92	.....	.....	.....	.....	.....	101.92
April 3, 1893.....	18,606	.....	.....	.....	.....	.....	$65.00	52.62	.....	.....	.....	.....	.....	117.62
April 3, 1893.....	18,684	6,597.45	299.88	299.88	299.88	299.88	.....	3,005.98	.....	.....	.....	.....	.....	10,802.95
July 7, 1893.....	20,346	15,446.70	702.12	702.12	702.12	702.12	.....	7,029.58	.....	.....	.....	.....	.....	25,284.76
July 13, 1893.....	20,406	.....	.....	.....	.....	.....	1,646.50	646.83	.....	.....	.....	.....	.....	2,293.33
Totals.....	.....	$22,444.98	$1,020.21	$1,020.21	$1,020.21	$1,020.51	$1,711.50	$11,084.31	.....	.....	.....	.....	.....	$39,271.63

GRANT COUNTY.

September 8, 1892...	18,206							$194.80						$194.80
December 7, 1892...	18,427	$201.39	$9.15	$9.15	$9.15	$9.15		101.01						339 00
January 4, 1893.....	18,489							632.99						632.99
April 13, 1893.....	18,859						$906.19	1,741.71						2,647.90
April 6, 1893.....	18,816	1,820.34	82.74	82 74	82.74	82.74		842.91						2,994.21
July 3, 1893.....	20,322	1,912.03	89.91	86 91	86.91	86.91		879.13						3,138.80
July 13, 1893.....	20,415							2,276.74						2,276.74
Totals		$3,933.76	$178 80	$178.80	$178.80	$178.80	$906.19	$6,669.29						$12,224.44

HENNEPIN COUNTY.

August 2, 1892.....	18,126	256,824.49	$11,673.38	$11,673.38	$11,673.38	$11,673.38		118,745.06						422,262.98
August 2, 1892.....	18,127						813.00	637.98						1,450.98
December 16, 1892..	18,452	12,670.87	575.94	575.94	575.94	575.94		6,816.65						21,791.28
December 16, 1892..	18,458						222.25	518.01						740.26
April 12, 1893.....	18.860						235.57	121.75						357.32
April 3, 1893.....	18,835	55,851.60	2,538.70	2,538.70	2,538.70	2,538 70		25,641.33						91,647.73
Totals		325,346.87	$14,788.02	$14,788.02	$14,788.02	$14,788.02	$1,270.82	152,480.78						538.250.55

HOUSTON COUNTY.

December 3, 1892...	18,304		$3.96	$3.96	$3.96	$3.96		$41.95						$145.14
December 3, 1892...	18.325	$87.35						54.14						54.14
April 3, 1893.....	18,785							92.95						92.95
April 3, 1893.....	18,772	2,092.52	136.02	136.02	136.02	136.02		1,358.40						4,895.00
July 10, 1893.....	20,297						$270.50	827.81						1,008.31
July 10, 1893.....	20.278	4,581.63	208.26	208.26	208.26	208.26		2,084.30						7,498.97
Totals		$7,661.50	$348.24	$348.24	$348.24	$348.24	$270.50	$4,459.55						$13,784.51

HUBBARD COUNTY.

December 3, 1892...	18,364	$58.93	$2.67	$2.67	$2.67	$2.67		$33.17						$102.78
December 3, 1892...	18,375							21.75						21.75
December 17, 1892..	18.433	20.63												20.63
March 17, 1893	18,675						$92.75							92.75
April 7, 1893	18,738							45.98						45 98
April 7, 1893	18,727	327.56	14.64	14.64	14.64	14.64		153.31						539.43
May 2, 1893.....	18,943							538.27					$20.75	20.75
June 28, 1893.....	20,299	1,179.25	53.60	53.60	53.60	53.60		139.45						1,931.92
July 20, 1893	20,429													139.45
Totals		$1,586.37	$70.91	$70.91	$70.91	$70.91	$92.75	$931.93					$20.75	$2,915.44

STATEMENT "A."—*Continued.*

ISANTI COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Fund ng tax.	Permanent school	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
December 3, 1892...	18,305	$118.63	$5.39	$5.39	$5.39	$5.39	.....	$56.55	.....	.....	.....	.....	.....	$196.74
December 3, 1892...	18,336	.....	.....	.....	.....	.....	$314.00	138.22	.....	.....	.....	.....	.....	452.22
April 15, 1893	18,861	.....	.....	.....	.....	.....	692.00	235.15	.....	.....	.....	.....	.....	927.15
April 15, 1893	18,817	919.91	41.81	41.81	41.81	41.81	.....	419.15	.....	.....	.....	.....	.....	1,506.30
June 20, 1893.....	26,248	1,352.06	61.45	61.45	61.45	61.45	.....	616.84	.....	.....	.....	.....	.....	2,214.70
July 21, 1893	20,435	.....	.....	.....	.....	.....	945.10	797.60	.....	.....	.....	.....	.....	1,742.70
Totals	.....	$2,390.60	$108.65	$108.65	$108.65	$108.65	$1,951.10	$2,263.51	.....	.....	.....	.....	.....	$7,089.81

ITASCA COUNTY.

December 17, 1892..	18,428	$83.50	$3.79	$3.79	$3.79	$3.79	.....	$40.19	.....	.....	.....	.....	.....	$138.85
April 1, 1893	18,818	590.14	26.82	26.82	26.82	26.82	.....	272.25	.....	.....	.....	.....	.....	969.67
May 29, 1893..... ..	19,011	.....	.....	.....	.....	.....	.....	25.40	.....	.....	.....	.....	.....	25.40
May 29, 1893.....	19,004	.....	.....	.....	.....	.....	.....	6.90	.....	.....	.....	.....	.....	6.90
July 10, 1893	20,311	3,606.81	163.89	163.89	163.89	163.89	.....	1,642.49	.....	.....	.....	.....	.....	5,903.86
July 27, 1893	20,469	.....	.....	.....	.....	.....	.....	8.50	.....	$17.00	.....	.....	.....	25.50
Totals	.....	$4,279.45	$194.50	$194.50	$194.50	$194.50	.....	$1,995.73	.....	$17.00	.....	.....	.....	$7,070.18

JACKSON COUNTY.

August 8, 1892.....	18,106	$3,716.12	$168.91	$168.91	$168.91	$168.91	.....	$1,709.60	.....	.....	.....	.....	.....	$6,101.36
August 15, 1892	18,150	.....	.....	.....	.....	.....	$1,258.60	10,571.73	.....	.....	.....	.....	.....	11,829.73
December 17, 1892..	18,430	267.40	12.15	12.15	12.15	12.15	.....	127.94	.....	.....	.....	.....	.....	443.94
December 17, 1892..	18,451	.....	.....	.....	.....	.....	4,586.00	3,667.29	.....	.....	.....	.....	.....	8,253.29
April 17, 1893.....	18,675	.....	.....	.....	.....	.....	5,780.00	3,795.34	.....	.....	.....	.....	.....	9,575.34
April 6, 1893.....	18,841	2,018.29	91.73	91.73	91.73	91 73	.....	925 73	.....	.....	.....	.....	.....	3,309.54
July 7, 1893.....	20,372	5,195.17	236.14	236.14	236.14	236.14	.....	2,363.38	.....	.....	.....	.....	.....	8,503.11
July 7, 1893.....	19,984	.....	.....	.....	.....	.....	.....	40.00	.....	.....	.....	.....	.....	40.00
July 25, 1893.....	20,453	.....	.....	.....	.....	.....	6,205 70	9,840.75	.....	.....	.....	.....	.....	16,046.45
Totals.....		$11,196.98	$508.93	$508.93	$508.93	$508.93	$17,829.70	$33,040.36						$64,102.76

KANABEC COUNTY.

November 28, 1892..	18,306	$31.47	$1.42	$1.42	$1.42	$1.42	.....	$18.74	.....	.....	.....	.....	.....	$55.89
November 28, 1892..	18,337	.....	.....	.....	.....	.....	.....	8.76	.....	$8.75	.....	.....	.....	17.51
April 15, 1893.....	18,878	.....	.....	.....	.....	.....	.....	1.52	.....	.....	.....	.....	.....	4 52
April 5, 1893.....	18,819	117.78	5.35	5.35	5.35	5.35	.....	53.81	.....	.....	.....	.....	.....	192.99
July 16, 1893.....	20·290	858.70	39.03	39.03	39.03	39.03	.....	390.71	.....	.....	.....	.....	.....	1,405.53
July 18, 1893.....	20,434	.....	.....	.....	.....	.....	212.00	172.32	.....	25.90	.....	.....	.....	410.22
Totals.....		$1,007.95	$45.80	$45.80	$45.80	45.80	$212.00	$648.86		$34.65				$2,086.66

KANDIYOHI COUNTY.

December 13, 1892..	18,429	$260.50	$11.84	$11.84	$11.84	$11.84	.....	$124.81	.....	.....	.....	.....	.....	$432.67
December 13, 1892..	18,440	.....	.....	.....	.....	.....	$1,293.36	1.209.57	.....	$63 69	.....	$17.00	.....	2,583.62
December 13, 1892..	18,445	1,544.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,544.00
February 27, 1893..	18,626	.....	.....	.....	.....	.....	204.00	32.64	.....	.....	.....	.....	.....	236.64
April 4, 1893.....	18,798	.....	.....	.....	.....	.....	2,787.22	894.62	.....	.....	.....	.....	.....	3,681.84
April 4, 1893.....	18,800	252.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	252.00
April 4, 1893.....	18,796	2.841.14	129.14	129.14	129.14	129.14	.....	1,293.12	.....	.....	.....	.....	.....	4.650.82
July 3, 1893.....	20,2s2	5,740.16	260.91	260.91	260.91	260.91	.....	2,614.76	.....	.....	.....	.....	.....	9,308.58
July 3, 1893.....	19,007	70.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	70.00
July 10, 1893.....	20,302	1,568.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,568.00
July 10, 1893	20,301	.....	.....	.....	.....	.....	2,771.00	4,345.10	.....	526.87	.....	.....	.....	7,642.97
Totals.....		$12,275.80	$401.89	$401.89	$401.89	$401.89	$7,055.58	$10.514.64		$590.56		$17.00		$32,061.14

KITTSON COUNTY.

August 8, 1892.....	18,112	.....	.....	.....	.....	.....	$1,671.00	$492.96	.....	.....	.....	.....	.....	$2,163 96
December 24, 1892..	18,456	$182 45	$8.29	$8.29	$8.29	$8.29	.....	84.35	.....	.....	.....	.....	.....	299.96
December 24, 1892.	18,457	.....	.....	.....	.....	.....	.....	173.95	.....	.....	.....	.....	.....	173.95
April 15, 1893.	18,862	.....	.....	.....	.....	.....	.....	92.32	.....	.....	.....	.....	.....	92.32
April 6, 1893.....	18,820	1,515.25	68.87	68.87	68.87	68.87	.....	604.18	.....	.....	.....	.....	.....	2,481.91
June 27, 1893.....	20,304	.....	.....	.....	.....	.....	.....	654.52	.....	.....	.....	.....	.....	654.52
June 27, 1893.....	20,250	1,084.12	49.27	49.27	48.27	49.27	.....	494.05	.....	.....	.....	.....	.....	1,775.25
Totals.....		$2,781.82	$126.43	$126.43	$126.43	$126.42	$1,671.00	$2,686.33						$7,644.87

STATEMENT "A."—*Continued.*

LAC QUI PARLE COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue.	Soldiers' relief.	Forestry.	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement. land fund.	Internal improvement land fund. interest.	State institutions.	Total.
November 28, 1892..	18,367	$251.64	$11.43	$11.43	$11.43	$11.43	.....	$114.39	.....	.....	.....	.....	.....	$411.75
November 28, 1892..	18,338	.....	.....	.....	.....	.....	.....	478.32	.....	$23.96	.....	.....	.....	502.28
November 28, 1892..	18,359	60.75	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	60.75
December 15, 1892..	18,459	.....	.....	.....	.....	.....	$374.00	.....	.....	.....	.....	.....	.....	374.00
April 4, 1893.....	18,786	.....	.....	.....	.....	.....	340.00	495.03	.....	.....	.....	.....	.....	835.03
April 4, 1893.....	18,773	2,762.29	125.55	125.55	125.55	125.55	.....	1,255 63	.....	.....	.....	.....	.....	4,520.12
April 4, 1893.....	18,783	674.06	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	674.06
July 1, 1893.....	20,308	.....	.....	.....	.....	.....	999.00	1,441.35	.....	.....	.....	.....	$33.10	2,473.45
July 1, 1893.....	20,279	4,285.97	194.81	194.81	194.81	194.81	.....	1,918.27	.....	.....	.....	.....	.....	7,013.48
July 1, 1893.....	20,281	742.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	742.00
Totals.....	.....	$8,776.71	$331.79	$331.79	$331.79	$331.79	$1,713.00	$5,732.99	.....	$23.96	.....	.....	$33.10	$17,606.92

LAKE COUNTY.

December 17, 1892..	18,434	$117.84	$5.35	$5.35	$5 35	$5.35	.....	$57.14	.....	.....	.....	.....	.....	$196.38
April 4, 1893.....	18,821	368.84	16.76	16.76	16.76	16.76	.....	171.38	.....	.....	.....	.....	.....	607.26
June 26, 1893.....	20,339	2,354.45	107.02	107.02	107.02	107.02	.....	1,080.62	.....	.....	.....	.....	.....	3,863.15
Totals.....	.....	$2,841.13	$129.13	$129.13	$129.13	$129.13	.....	$1,309.14	.....	.....	.....	.....	.....	$4,666.79

LE SUEUR COUNTY.

December 5, 1892...	18,365	$177.69	$8.07	$8.07	$8.07	$8.07	.....	$79.88	.....	.....	.....	.....	.....	$289.85
December 5, 1892..	18,376	.....	.....	.....	.....	.....	.....	58 00	.....	.....	.....	.....	.....	58.00
April 6, 1893.....	18,699	.....	.....	.....	.....	.....	.....	38.19	.....	.....	.....	.....	.....	38.19
April 6, 1893.....	18,685	2,870.13	130.46	130 46	130.46	130.46	.....	1,304.44	.....	.....	.....	.....	.....	4.696.41
July 6, 1893	20,270	6,475.62	294.34	294.34	294.34	294.34	.....	2,943.78	.....	.....	.....	.....	.....	10,596.76
Totals.....	.....	$9,523.44	$432.87	$432.87	$432.87	$432.87	.....	$4,424 29	.....	.....	.....	.....	.....	$15,679.21

LINCOLN COUNTY.

August 8, 1892	18,111							$2.69						$2.69
November 28, 1892	18,366	$239.49	$10.88	$10.88	$10.88	$10.88		112.19						395.20
November 28, 1892	18,377						$441.00	357.97						798.97
April 3, 1893	18,739						374.00	429.73						803.73
April 3, 1893	18,728	1,484.54	67.47	67.47	67.47	67.47		677.74						2,432.16
June 27, 1893	20,300						200.00	1,453.21						1,653.21
June 27, 1893	20,284	1,791.21	81.41	81 41	81.41	81.41		815.74						2,932.59
Totals		$3,515.24	$159.76	$159.76	$159.76	$159.76	$1,015 00	$3,849.27						$9,018.55

LYON COUNTY.

August 27, 1892	18,171						$2,481.60	$685.33	$395.65	$109.42				$3,672.00
December 13, 1892	18,431	$358.41	$16.29	$16.29	$16 29	$16.29		169.85						593.42
December 13, 1892	18,441						782.00	1,135.05		77.35				1,994.40
February 4, 1893	18,542						420.00	116 20						536.20
April 4, 1893	18,886						2,720.00	564.63	680.00	144.12				4,108.75
April 4, 1893	1,822	2,226.87	101.21	101.21	101.21	101.21		1,014.85						3,646.56
July 6, 1893	20,329	3,994.44	181.56	181.56	181 56	181.56		1,818.34						6,539 02
July 6, 1893	20,364						3,683.60	3,125.69	505.75	167.56				7,482.54
Totals		$6,579.72	$299.06	$299.06	$299.06	$299.06	$10,087.20	$8,629.88	$1,581.40	$498.45				$28,572.89

McLEOD COUNTY.

September 28, 1892	18,030								$30.00	$7.91				$37.91
November 30, 1892	18,386								160.00					160.00
December 8, 1892	18,396						$435.75	$271.19		88.52				795.46
December 8, 1892	18,409	$170.19	$7.75	$7.75	$7 75	$7.75		80.75						281.86
December 29, 1892	18,498							29.92						29.92
January 7, 1893	18,512							7.56						7.56
April 4, 1893	18,700						412.25	79.93		53.47				545.65
April 4, 1893	18,686	2,788.29	126.73	126.73	126.73	126.73		1,268.62						4,563.83
July 8, 1893	20,324	6,744.95	306.58	306.58	306.58	306.58		3,068.67						11,039.94
July 26, 1893	20,408						435.00	1,657.64	173.00	1,301.68				3,567.32
Totals		$9,703.43	$441.04	$441.04	$441.04	$441.04	$1,283.00	$6,464.28	$363.00	$1,451.58				$21,029.45

STATEMENT "A."—*Continued.*

MARSHALL COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institution.	Total.
December 17, 1892..	18,436	$244.05	$11.09	$11.09	$11.09	$11.09	.....	$116.82	.....	.....	.....	.....	.....	$405.23
December 17, 1892..	18,442	.....	.....	.....	.....	.....	.....	532.18	.....	.....	.....	.....	.....	532.18
December 17, 1892..	18,449	110.06	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	110.06
April 26, 1893.....	18,907	1,592.64	72.39	72.39	72.39	72.39	.....	733.69	.....	.....	.....	.....	.....	2,615.89
April 26, 1893.....	18,909	.....	.....	.....	.....	.....	.....	161.61	.....	.....	.....	.....	.....	161.61
April 26, 1893.....	18,908	503.17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	503.17
July 24, 1893.	20,467	.....	.....	.....	.....	.....	.....	1,260.17	.....	.....	.....	.....	.....	1,260.17
July 24, 1893	20,460	765.60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	765.60
July 24, 1893.....	20,459	1,702.66	77.39	77.39	77.39	77.39	.....	788.48	.....	.....	.....	.....	.....	2,800.70
Totals.....	.....	$4,918.27	$160.87	$160.87	$160.87	$160.87	.....	$3,592.95	.....	.....	.....	.....	.....	$9,154.70

MARTIN COUNTY.

August 8, 1892.....	18,103	$4,379.38	$199.06	$199.06	$199.06	$199.06	.....	$2,013.66	.....	.....	.....	.....	.....	$7,189.28
August 8, 1892.....	18,104	.....	.....	.....	.....	.....	$5,256.00	9,210.64	.....	.....	.....	.....	.....	14,466.64
November 28, 1892..	18,367	315.07	14.32	14.32	14.32	14.32	.....	143.32	.....	.....	.....	.....	.....	515.67
November 28, 1892..	18,378	.....	.....	.....	.....	.....	1,188.00	2,459.37	.....	.....	.....	.....	.....	3,647.37
April 4, 1893.....	18,701	.....	.....	.....	.....	.....	3,599.00	2,700.25	.....	.....	.....	.....	.....	6,299.25
April 4, 1893.....	18,687	2,478.04	112.63	112.63	112.63	112.63	.....	1,135.06	.....	.....	.....	.....	.....	4,063.62
June 20, 1893.....	20,289	.....	.....	.....	.....	.....	.....	34.34	.....	.....	.....	.....	.....	34.34
July 27, 1893.....	20,421	5,690.11	258.64	258.64	258.64	258.64	.....	2,590.52	.....	.....	.....	.....	.....	9,315.19
July 27, 1893.....	20,427	.....	.....	.....	.....	.....	612.00	7,120.53	.....	.....	.....	.....	.....	7,732.53
Totals.....	.....	$12,862.60	$584.65	$584.65	$584.65	$584.65	$10,655.00	$27,407.69	.....	.....	.....	.....	.....	$53,263.89

MEEKER COUNTY.

December 18, 1892..	18,397	.....	.....	.....	.....	.....	.....	$149.04	.....	$61.80	.....	.....	.....	$210.84
December 18, 1892..	18,410	$341.22	$15.51	$15.51	$15.51	$51.51	.....	167.13	.....	.....	.....	.....	.....	570.39
April 15, 1893.....	18,863	.....	.....	.....	.....	.....	$806.00	705.91	.....	185.72	.....	.....	.....	1,697.63
April 6, 1893.....	18,823	2,711.74	123.25	123.25	123.25	123.25	.....	1,241.81	.....	.....	.....	.....	.....	4,446.55
July 24, 1893.....	24,479	.....	.....	.....	.....	.....	.....	.....	.....	138.72	.....	.....	.....	138.72
July 31, 1893.....	20,441	5,132.74	233.26	233.26	233.26	233.26	.....	2,339.53	.....	.....	.....	.....	.....	8,405.31
Totals.	.....	$8,185.70	$372.02	$372.02	$372.02	$372.02	$806.00	$4,603.42	.....	$386.24	.....	.....	.....	$15,469.44

MILLE LACS COUNTY.

November 28, 1892..	18,368	$92.16	$4.18	$4.18	$4.18	$4.18	.....	$44.63	.....	.....	.....	.....	.....	$153.51
November 28, 1892..	18,379	.....	.....	.....	.....	.....	.....	31.97	.....	.....	.....	.....	.....	31.97
April 4, 1893.....	18,729	476.78	20.76	20.76	20.76	20.76	.....	215.46	.....	.....	.....	.....	.....	775.28
July 5, 1893.....	20,323	2,135.97	97.08	97.08	97.08	97.08	.....	970.83	.....	.....	.....	.....	.....	3,495.12
July 18, 1893.....	20,433	.....	.....	.....	.....	.....	.....	784.13	.....	.....	.....	.....	.....	784.13
Totals.....		$2,704.91	$122.02	$122.02	$122.02	$122.02	.....	$2,047.02						$5,240.01

MORRISON COUNTY.

November 28, 1892..	18,308	$335.68	$15.25	$15 25	$15.25	$15.25	.....	$165.19	.....	.....	.....	.....	.....	$561.87
November 28, 1892..	18,339	.....	.....	.....	.....	.....	$510.00	1,183.81	.....	.....	.....	.....	.....	1,693.81
April 3, 1893	18,702	.....	.....	.....	.....	.....	884.00	1,031.87	.....	.....	.....	.....	.....	1,915.87
April 3, 1893.....	18,688	1,566.42	71.20	71.20	71.20	71.20	.....	713.59	.....	.....	.....	.....	.....	2,564.81
June 21, 1893.....	20,268	3,361.84	152.80	152.80	152.80	152.80	.....	1,533.16	.....	.....	.....	.....	.....	5,506.20
June 28, 1893.....	20,483	.....	.....	.....	.....	.....	680.00	1,560 85	.....	$9.35	.....	.....	.....	2,250.20
Totals.....		$5,263 94	$239.25	$239.25	$239.25	$239.25	$2,074.00	$6,188.47		$9.35				$14.492.76

MOWER COUNTY.

December 8, 1892...	18,398	.....	.....	.....	.....	.....	.....	$337.69	.....	.....	.....	.....	.....	$337.69
December 8, 1892...	18,411	$366.31	$16.65	$16.65	$16.65	$16.65	.....	169.50	.....	.....	.....	.....	.....	602.41
April 4, 1893.....	18,787	.....	.....	.....	.....	.....	.....	115.49	.....	$36.72	.....	.....	.....	152.21
April 4, 1893.....	18,774	3,633.42	165.15	165.15	165.15	165.15	.....	1,651.59	.....	.....	.....	.....	.....	5,945.61
July 13, 1893.....	20,407	.....	.....	.....	.....	.....	340.00	3,431.64	.....	154.30	.....	.....	.....	3,925.94
July 20, 1893.....	20.556	9,723.44	441.97	441.97	441.97	441.97	.....	4.419.99	.....	.....	.....	.....	.....	15,911.31
Totals.....		$13,723 17	$623.77	$623.77	$623.77	$623.77	$340.00	$10,125.90		$191.02				$26,875.17

MURRAY COUNTY.

December 7, 1892...	18,369	$270.37	$12.28	$12.28	$12.28	$12.28	.....	$127.16	.....	.....	.....	.....	.....	$446.65
December 7, 1892...	18,380	.....	.....	.....	.....	.....	$680.00	2,116.36	.....	$970.48	.....	.....	.....	3,066.84
April 3, 1893	18,788	.....	.....	.....	.....	.....	680.00	2,188.44	.....	43.30	.....	.....	.....	2,911.74
April 3, 1893	18,775	1,916.64	87.11	87.11	87.11	87.11	.....	877.98	.....	.....	.....	.....	.....	3,143.06
July 8, 1893	20,365	.....	.....	.....	.....	.....	526.00	4,529.88	.....	499.68	.....	.....	.....	5,505.56
May 25, 1893	19.006	.....	.....	.....	.....	.....	.....	34.40	.....	.....	.....	.....	.....	34.40
July 20, 1893	20,333	3,484.32	158.37	158.37	158.37	158.37	.....	1,592.33	.....	.....	.....	.....	.....	5,710.13
Totals		$5,671.33	$257.76	$257.76	$257.76	$257.76	$1,886.00	$11,466.55	.....	$763.46	.....	.....	.....	$20,818.38

STATEMENT "A."—*Continued.*

NICOLLET COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue.	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
November 28, 1892..	18,309	$59.84	$2.71	$2.71	$2.71	$2.71	.....	$27.35	.....	.....	.....	.....	.....	$98.03
November 28, 1892..	18,340	.....	.....	.....	.....	.....	.....	87.10	$90.00	$73 59	.....	.....	.....	250.69
April 1, 1893.....	18,703	.....	.....	.....	.....	.....	.....	41.80	.....	55.93	.....	.....	.....	97.63
April 1, 1893.....	18,689	2,337.50	106.25	106.25	106.25	106.25	.....	1,062 48	.....	.....	.....	.....	.....	3,824.98
June 14, 1893.....	20,243	6,840.33	310.92	310.92	310.92	310.92	.....	3,109.49	.....	.....	.....	.....	.....	11,193.50
June 14, 1893.....	20,366	.....	.....	.....	.....	.....	$697.00	1,353.70	.....	530.65	.....	.....	.....	2,581.35
Totals.....	.....	$9,237.67	$419.88	$419.88	$419.88	$119.88	$697.00	$5,681.92	$90.00	$660.07	.....	.....	.....	$18,046.18

NOBLES COUNTY.

December 3, 1892....	18,310	$393.46	$13.33	$13.33	$13.33	$13.33	.....	$135.38	.....	.....	.....	.....	.....	$482.16
December 3, 1892....	18,341	.....	.....	.....	.....	.....	$1,941.00	2,607.20	.....	.....	.....	.....	.....	4,548.20
April 16, 1893.....	18,824	2,714.26	123.37	123.37	123.37	123.37	.....	1,235.19	.....	.....	.....	.....	.....	4,442 93
April 12, 1893.....	18,864	.....	.....	.....	.....	.....	868.00	739.24	.....	.....	.....	.....	.....	1,607.24
Totals.....	.....	$3,007.72	$136.70	$136.70	$136.70	$136.70	$2,809.00	$4,717.01	.....	.....	.....	.....	.....	$11,083.53

NORMAN COUNTY.

December 29, 1892..	18,370	$290.34	$13.19	$13.19	$13.19	$13.19	.....	$137.15	.....	.....	.....	.....	.....	$480.25
December 20, 1892..	18,381	.....	.....	.....	.....	.....	.....	1,410.47	.....	$284.00	.....	.....	.....	1,694.47
April 17, 1893.....	18,865	.....	.....	.....	.....	.....	$1,819.00	2,202.20	$952.00	368.04	.....	.....	.....	5,341.24
April 6, 1893.....	18,445	44.95	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	44.95
April 17, 1893.....	18,825	2,587.56	117.61	117.61	117.61	117.61	.....	1,179.09	.....	.....	.....	.....	.....	4,237.09
July 8, 1893.....	20,373	2,220.64	100.93	100.93	100.93	100.93	.....	1,013.65	.....	.....	.....	.....	.....	3,638.01
July 24, 1893.....	20,457	.....	.....	.....	.....	.....	.....	2,439.63	.....	423.96	.....	.....	.....	2,863.59
June 15, 1893.....	20,257	.....	.....	.....	.....	.....	.....	9.40	.....	.....	.....	.....	.....	9.40
Totals.....	.....	$5,143.49	$231.73	$231.73	$231.73	$231.73	$1,819.00	$8,391.59	$952.00	$1,076.00	.....	.....	.....	$18,309.00

OLMSTED COUNTY.

December 3, 1892...	18,311	$256.47	$11.65	$11.65	$11.65	$11.65	.....	$121.02	.....	.....	.....	.....	.....	$424.09
December 3, 1892...	18,342	.....	.....	.....	.....	.....	$561.00	205.18	.....	.....	.....	.....	.....	766.18
April 3, 1893.....	18,740	.....	.....	.....	.....	.....	.....	86.30	.....	.....	.....	.....	.....	86.30
April 3, 1893.....	18,730	5,032.10	227.82	227.82	227.82	227.82	.....	2,287.36	.....	.....	.....	.....	.....	8,230.74
May 5, 1893	18,925	.....	.....	.....	.....	.....	90.00	28.30	.....	.....	.....	.....	.....	118.30
June 22, 1893.....	20,272	12,733.63	578 80	578.80	578.80	578.80	.....	5.795.99	.....	.....	.....	.....	.....	20,844.82
Totals	.....	$18.022.20	$818.27	$818.27	$818.27	$818.27	$651 00	$8,524.15	.....	.....	.....	.....	.....	$30,470.43

OTTER TAIL COUNTY.

August 27, 1892.....	18,165	.....	.....	.....	.....	.....	$4,385.55	$1,005.47	.....	.....	.....	$594.90	$172.61	$6.158.53
November 27, 1892..	18,312	$597.93	$27.17	$27.17	$27.17	$27.17	.....	306.66	.....	.....	.....	.....	.....	1.013 27
November 27, 1892..	18,343	.....	.....	.....	.....	.....	170.00	1,526.61	.....	.....	.....	.....	.....	1,696.61
April 29, 1893	18,877	5,103.77	231.98	231.98	231.98	231.98	.....	2,342.52	.....	.....	.....	.....	.....	8.374.51
April 29, 1893.....	18,866	.....	.....	.....	.....	.....	323.00	2.646 23	.....	.....	.....	.....	.....	2.969.23
July 24, 1893.....	20,463	6,620.70	300.94	300.94	300.94	300.94	.....	3,028.35	.....	.....	.....	.....	.....	10,852.81
July 24, 1893.....	20,458	.....	.....	.....	.....	.....	1,446.83	7,857.98	.....	$31.52	.....	.....	.....	9,336.33
July 24, 1893.....	20,464	206.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	206.00
July 31, 1893	20,512	1,672.98	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,672.98
Totals..... ...	.....	$14,201.38	$560.09	$560.09	$560.09	$560.09	$6,325.38	$18,714.12	.....	$31.52	.....	$594.90	$172.61	$42,280.27

PINE COUNTY.

December 17, 1892..	18,438	$360.95	$16.40	$16.40	$16.40	$16.40	.....	$179 93	.....	.....	.....	.....	.....	$606.48
April 6, 1893.....	18,826	684.33	31.10	31.10	31.10	31.10	.....	309.70	.....	.....	.....	.....	.....	1,118.43
April 12,1893	18.867	.....	.....	.....	.....	.....	.....	74.36	.....	.....	.....	.....	.....	74.36
June 23, 1893.....	20.288	1,834.87	83.40	83.40	83.40	83.40	.....	850.15	.....	.....	.....	.....	.....	3,018 62
July 18, 1893.....	20,436	.....	.....	.....	.....	.....	$18.00	221.35	.....	.....	.....	.....	.....	239.35
Totals	.....	$2,880.15	$130.90	$130.90	$130.90	$130.90	$18.00	$1,635.49	.....	.....	.....	.....	.....	$5,057.24

PIPESTONE COUNTY.

December 1, 1892...	18,388	$273.63	$12 39	$12.39	$12.39	$12.39	.....	$128.41	.....	.....	.....	.....	.....	$451.60
December 1, 1892...	18.389	.....	.....	.....	.....	.....	$170.00	657.05	.....	.....	.....	.....	.....	827.05
April 17, 1893.....	18,896	.....	.....	.....	.....	.....	.....	162 55	.....	.....	.....	.....	.....	162.55
April 17, 1893.....	18,895	1,530.41	69.56	69.56	69.56	69.56	.....	696.81	.....	.....	.....	.....	.....	2,505.41
July 27, 1893	20,482	.....	.....	.....	.....	.....	.....	3,859 06	.....	.....	.....	.....	.....	3,859.06
July 27 1893.....	20,475	2,391.10	108.68	108.68	108.68	108.60	.....	1,087.75	.....	.....	.....	.....	.....	3,913.57
Totals	.....	$4.195.14	$190 63	$190.63	$190.63	$190.63	$170.00	$6.591.63	.....	.....	.....	.....	.....	$11,719.29

STATEMENT "A."—*Continued.*

POLK COUNTY.

DATE OF PAYMENT.	No auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
October 3, 1892	18,233						$3,271.98	$937.20						$4,209.18
December 13, 1892	18,437	$916.26	$41.64	$41.64	$41.64	$41.64		451.46						1,534.28
December 13, 1892	18,448							1,180.78						1,180.78
December 13, 1892	18,447	25.25												35.25
January 9, 1893	18,513							578 43						578.43
May 20, 1893	16.003							72 65						72.65
May 56, 1893	19.008							96.95						96.95
April 29, 1893	18,903						168.25	915.13						1,083.38
Totals		$951.51	$41.64	$41.64	$41.64	$41.64	$3,440.23	$4,232.60						$8,790.90

POPE COUNTY.

September 14, 1892	18,200						$1,168.00	$6,204.63		$201.16				$7,568.79
August 22, 1892	18,027						1,316.25	386.44	$60.00	17.70	$533.12	$157.10		2,470.61
August 3, 1892	18,107	$2,779.59	$126.34	$126.34	$126.34	$126.34		1,310.11						4,595.06
January 7, 1893	18,490						20.00	798.60						818.60
January 7, 1893	18,493	115.47	5.24	5.24	5.24	5 24		55.16						191 59
May 5, 1893	18.923	1,802.63	81.93	81.93	81.93	81.93		822.69						2,953 04
May 5, 1893	18,899	6,009 85	273.17	273.17	273.17	273.17		2,757.42						9,859.95
May 5, 1893	18,900	165.24												165.24
May 5, 1893	18.922						469.00	1,207.85		116.13				1,792.98
July 17, 1893	20,379	2,534.47	115.20	115.20	115.20	115.20		1,152.99						4,148.26
Totals		$13,407.25	$601.88	$601.88	$601.88	$601.88	$2,968.25	$14,095.89	$60.00	$334.99	$533.12	$157.10		$34,564.12

RAMSEY COUNTY.

August 5, 1892	18.005	217,072.02	$9,866.91	$9,866.91	$9,866.91	$9,866.91		100,349.74						356,889.40
December 1892	18,326	7,962.04	361 81	361.81	361.81	361.81		4,047.93						13,457.21
April 11, 1893	18,709	39,7.3.57	2,986.52	2,986 52	2,986.52	2,986.52		19,997.89						71,647 54
June 16, 1893	19,987							93.50						93.50
Totals		264,737.63	$13,215.24	$13,215.24	$13,215.24	$13,215.24		124,489.06						442,087.65

REDWOOD COUNTY,

October 6, 1892	18,237							$107.34	$29.95	$72.00	$19.82	$227.00	$62 82		$518.93
December 9, 1892	18,390							1,733.00	3,018.86						4,751.86
December 9, 1892	18,412	$264.24	$12.00	$12.00	$12.00	$12.00			131.00						443.24
December 31, 1892	18,404							8.00							8.00
April 14, 1893	18,868							7,842.00	4,040.48						11,901.02
April 4, 1893	18,827	2,493.01	113.32	113.32	113.32	113.32			1,140.44				18.54		4,086.73
May 10, 1893	18,988								34.00						34.00
May 10, 1893	18,989								23.65						23.65
May 29, 1893	19,012								34.00						34.00
July 1, 1893	20,330	5,958 09	270.82	270.82	270.82	270.82			2,712.30						9,753.67
Totals		$8,715.34	$396.14	$396.14	$396.14	$396.14		$9,690.34	$11,164.68	$72.00	$19.82	$227.00	$81.36		$31,555.10

RENVILLE COUNTY.

September 6, 1892	18,197							$9.75						$9.75
December 17, 1892	18,432	$344.55	$15.66	$15.66	$15.66	$15.66		162.77						569.96
December 17, 1892	18,444						$1,676.15	4,521.72		$54.10		$52.68		6,304.65
April 3, 1893	18,869						3,674.00	3,101.90		33.22		104.52		6,913.64
April 6, 1893	18,828	2,954.52	134.29	134.29	134.29	134.29		1,348 69						4,840.37
June 10, 1893	19,993							115.38						115.38
June 8, 1893	19,014							125.64						125.64
March 11, 1893	18,930							9.35						9.35
July 17, 1893	20,280	5,648.09	268.55	268.55	268.55	268.55		2,589.46						9,311.75
July 25, 1893	20,454							29.59						29.59
July 25, 1893	20,484							179.52						179.52
Totals		$8,947.16	$418.50	$418.50	$418.50	$418.50	$5,350 15	$12,193.77		$87.32		$157.20		$28,409.60

RICE COUNTY.

November 28, 1892	18,313	$221.01	$10.04	$10.04	$10.04	$10.04		$100.26						$361.43
November 28, 1892	18 344						$128.00	82.60						210.60
April 1, 1893	18,789							63.63						63.63
April 1, 1893	18,776	4,448.14	202.19	202.19	202.19	202.19		2,022.35						7,277.25
June 26, 1893	20,296						394.69	718.02						1,112.71
June 26, 1893	20,241	10,513.62	477.89	477.99	477.89	477.89		4,777.99						17,203 17
June 26, 1893	20,252							8.55						8.55
Totals		$15,182.77	$690.12	$690.12	$690 12	$690.12	$522.69	$7,771.40						$36,237.34

STATEMEMT "A"—*Continued.*

ROCK COUNTY.

DATE OF PAYMENT.	No auditor's drafts.	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
November 28, 1892..	18,314	$245.86	$11.26	$11.26	$11.26	$11.26	.....	$112.72	.....	.....	.....	.....	.....	$403.62
November 28, 1892..	18,345	.....	.....	.....	.....	.....	.....	229.43	.....	.....	.....	.....	.....	229.43
April 3, 1893...	18,790	.....	.....	.....	.....	.....	.....	395.29	.....	.....	.....	.....	....	395.29
April 3, 1893.....	18,777	2,006.12	91.18	91.18	91.18	91.18	.....	911.95	.....	.....	.....	.....	.....	3,282 79
June 29, 1893.....	20,307	.....	.....	.....	.....	.....	.....	3,543.46	.....	.....	.....	.....	.....	3.543.46
June 29, 1893	20,267	4,152.31	188.74	188.74	188.74	188.74	.....	1,887.12	.....	.....	.....	.....	.....	6.794.39
Totals.....	.....	$6,404.29	$291.18	$291.18	$291.18	$291.18	.....	$7.079.97	.....	.....	.....	.....	.....	$14,648.98

ST. LOUIS COUNTY.

September 17, 1892..	18,193	.....	.....	.....	.....	.....	.....	$2.550.45	.....	.....	.....	.....	.....	$2.550 45
August 27, 1892	18,163	$70,545.58	$3,206.62	$3,206.62	$3,206.62	$3,206.62	.....	32,585.02	.....	.....	.....	.....	.....	115,957.08
October 25, 1892.....	18.261	.....	.....	.....	.....	.....	$91.86	.....	.....	.....	.....	.....	....	91 86
November 28, 1892..	18.315	3,003.34	136.51	136.51	136.51	136.51	.....	1,532.77	.....	.....	.....	.....	.....	5,082.15
November 28, 1892..	18,346	.....	.....	.....	.....	.....	.....	5.00	.....	.....	.....	.....	.....	5.00
March 20, 1893.....	18.716	.....	.....	.....	.....	.....	17.00	.....	.....	.....	.....	.....	.....	17 00
March 20, 1893.....	18,714	.....	.....	.....	.....	.....	526.10	.....	.....	.....	.....	.....	.....	627.40
April 4, 1893.....	18,801	19,029.25	864.65	864.65	864.65	864.65	.....	8,826.57	.....	.....	.....	.....	$101.30	31,307.42
July 1, 1893.....	20,350	.....	.....	.....	.....	.....	7.00	.....	.....	.....	.....	.....	.....	7.00
July 13; 1893.....	18,994	.....	.....	.....	.....	.....	36.70	.....	.....	.....	.....	.....	21 25	57.95
July 24, 1893.....	20,468	.....	.....	.....	.....	.....	.....	2,045.56	.....	.....	.....	.....	.....	2.045.56
Totals.....	.....	$92,571.17	$4,207.78	$4.207.78	$4,207.78	$4,207.78	$678.66	$47,545.37	.....	.....	.....	.....	$122.55	157,748.87

SCOTT COUNTY.

December 8, 1892...	18.316	$63.85	$2.90	$2.90	$2.90	$2.90	....	$32.52	.....	.....	.....	.....	.....	$107.97
December 8, 1892...	19,347	.....	.....	.....	.....	.....	.....	113.77	.....	.....	.....	.....	.....	113.77
March 29, 1893	18,704	.....	.....	.....	.....	.....	$300.00	21.66	.....	.....	.....	.....	.....	321.66
March 29, 1893	18,690	2,303.30	104.69	104.69	104.69	104.69	.....	1,049.29	.....	.....	.....	.....	.....	3,771.35
June 27, 1893.....	20,305	.....	.....	.....	.....	.....	.....	401.29	.....	.....	.....	.....	.....	401.29
Totals	.....	$2,367.15	$107.59	$107.59	$107.59	$107.59	$300.00	$1,618.53	.....	.....	.....	.....	.....	$4,716.04

SHERBURNE COUNTY.

November 26, 1892..	18,317	$199.17	$9.05	$9.05	$9.05	$9.05	.....	$98.53	.....	.....	.....	.....	.....	$333.90
November 26, 1892..	18,348	.....	.....	.....	.....	.....	.....	39.73	.....	$95.36	.....	.....	.....	134.09
April 3, 1893.....	18,741	.....	.....	.....	.....	.....	.....	247.17	.....	22.37	.....	.....	.....	269.54
April 3, 1893.....	18,731	916.44	41.65	41.65	41.65	41.65	.....	429.14	.....	154.70	.....	.....	.....	1,512.18
June 24, 1893.....	20,269	1,813.78	82.44	82.44	82.44	82.44	.....	832.46	.....	.....	.....	.....	.....	2,976.00
July 18, 1893.....	20,367	.....	.....	.....	.....	.....	$170.00	1,100.23	.....	.....	.....	.....	.....	1,424.93
Totals.....	.....	$2,929.39	$133.14	$133.14	$133.14	$133.14	$170.00	$2,746.26	.....	$272.43	.....	.....	.....	$6,650.6

SIBLEY COUNTY.

December 31, 1892..	18,435	$95.62	$4.34	$4.34	$4.34	$4.34	.....	$43.89	.....	.....	.....	.....	.....	$156.87
March 22, 1893.....	18,678	.....	.....	.....	.....	.....	.....	303.42	.....	$261.00	.....	$18.89	.....	583.31
April 3, 1893.....	18,742	.....	.....	.....	.....	.....	$1,062.50	602.44	.....	378.26	.....	.....	.....	2,043.20
April 3, 1893.....	18,732	2,073.91	94.26	94.26	94.26	94.26	.....	942.62	.....	.....	.....	.....	.....	3,393.57
June 24, 1893	20,280	6,513.95	296.08	296.08	296.08	296.08	.....	2,961.70	.....	.....	.....	.....	.....	10,659.97
July 27, 1893	20,368	.....	.....	.....	.....	.....	1,270.00	2,702.24	.....	881.10	.....	.....	$45.48	4,898.82
Totals.....	.....	$8,683.48	$394.68	$394.68	$394.68	$394.68	$2,332.50	$7,556.31	.....	$1,520.36	.....	$18.89	$45.48	$21,735.74

STEARNS COUNTY.

December 3, 1892...	18,318	$367.11	$16.68	$16.68	$16.68	$16.68	.....	$171.02	.....	.....	.....	.....	.....	$604.85
December 3. 1892...	18,349	.....	.....	.....	.....	.....	$527.00	386.25	.....	$141.66	.....	.....	.....	1,054.91
April 25, 1893.	18,792	.....	.....	.....	.....	.....	85.00	1,122.89	.....	263.56	272.00	$10.80	.....	1,754 25
April 25, 1893.....	18,779	5,156.06	234.36	234.36	234.36	234.36	.....	2,360.39	.....	.....	.....	.....	.....	8,453.89
May 23, 1893.....	19,004	.....	.....	.....	.....	.....	.....	.....	.....	16.15	.....	.....	.....	16.15
July 12, 1893	20,385	15,970.03	725.91	725.91	725.91	725.91	.....	7,281.54	.....	.....	.....	.....	.....	26,155 21
July 29, 1893	20,456	.....	.....	.....	.....	.....	749.00	6,700.96	$20.97	1,228 81	.....	.....	.....	8,699.74
Totals.....	.....	$21,493.20	$976.95	$976.95	$976.95	$976.95	$1,361.00	$18,023.05	$20.97	$1,650.18	$272.00	$10 80	.....	$46,739.00

STEELE COUNTY.

October 31, 1892.....	18,258	.....	.....	.....	.....	.....	$600.00	.....	.....	.....	.....	.....	.....	$600.00
December 10, 1892..	18,400	.....	.....	.....	.....	.....	84.00	$45.12	.....	.....	.....	.....	.....	129.12
December 10, 1892..	18,413	$86.06	$3.91	$3.91	$3.91	$3.91	.....	39 15	.....	.....	.....	.....	.....	140.85
April 1, 1893.....	18,743	.....	.....	.....	.....	.....	.....	12.73	.....	.....	.....	.....	.....	12.73
April 1, 1893.....	18,733	2.794.87	127.04	127.04	127.04	127.04	.....	1,270.78	.....	.....	.....	.....	.....	4.573.81
June 29, 1893.....	20,334	7,709.36	350.42	350.42	350.42	350.42	.....	3,508.71	.....	.....	.....	.....	.....	12,619.75
July 17, 1893.....	20,439	.....	.....	.....	.....	.....	.....	1,132.89	.....	$326.81	.....	.....	.....	1,459 70
Totals.....	.....	$10,590.29	$481.37	$481.37	$481.37	$481.37	$684.00	$6,009.38	.....	$326 81	.....	.....	.....	$19,535.96

STATEMENT "A."—*Continued.*

STEVENS COUNTY.

DATE OF PAYMENT.	No. auditor's drafts.	Revenue.	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university,	Internal improvement land fund.	Internal improvement land fund interest.	State institutions.	Total.
October 7, 1892....	18,234	.....	.....	.....	.....	.....	$6,047.00	$1,762.80	.....	.....	$108.00	$31.56	.....	$7,949.36
October 7, 1892.....	18,239	.....	.....	.....	.....	.....	1,054.00	233.47	.....	.....	66.00	14.61	.....	1,368.08
October 7, 1892	18,251	$5.98	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5.98
November 28, 1892..	18,371	168.15	$7.64	$7.64	$7.64	$7.64	.....	85.79	.....	.....	.....	.....	.....	284.50
November 28, 1892..	18,382	.....	.....	.....	.....	.....	170.00	213.75	.....	.....	.....	.....	.....	383.75
December 17, 1892..	18,446	212.50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	212.50
April 3, 1893.....	18,793	.....	.....	.....	.....	.....	365.00	651.74	.....	.....	.....	.....	.....	1,016.74
April 3, 1893.....	18,778	1,338 21	51.73	51.73	51.73	51.73	.....	594.76	.....	.....	.....	.....	.....	2,139.89
April 3, 1893.....	18,784	776.05	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	776.05
June 17, 1893.....	20,251	O.G732.55 2,089.53	94.98	94.98	94.98	94.98	.....	950.55	.....	.....	.....	.....	.....	4,152.55
July 17, 1893.....	20,431	.....	.....	.....	.....	.....	501.00	2,623.42	.....	$10.20	.....	.....	.....	3,134.62
Totals..	.....	$5,322.97	$154.35	$154.35	$154.35	$154.35	$8,137.00	$7,116.28	.....	$10.20	$174.00	$46.17	.....	21,424.02

SWIFT COUNTY.

August 24, 1892.....	18,166	.....	.....	.....	.....	.....	$7,205.11	$1,986.85	.....	.....	.....	.....	.....	$9,191.96
November 25, 1892..	18,319	$238.69	$10.84	$10.84	$10.84	$10.84	.....	126.61	.....	.....	.....	.....	.....	408.66
November 25, 1892..	18,350	.....	.....	.....	.....	.....	178.00	771.28	.....	.....	.....	.....	.....	949.28
April 3, 1893.....	18,791	.....	.....	.....	.....	.....	.....	1,277.21	.....	.....	.....	.....	.....	1,277.21
April 3, 1893.....	18,786	2,007 61	91 25	91 25	91.25	91.25	.....	924 16	.....	.....	.....	.....	.....	3,296.77
June 29, 1893.....	20,335	2,959.25	133.70	133.70	133.70	133.70	.....	1,342.68	.....	.....	.....	.....	.....	4,836.73
July 29, 1893.....	20,486	.....	.....	.....	.....	.....	.....	3,128.37	.....	.....	.....	.....	.....	3,128.37
Totals	.....	$5,205.55	$235.79	$235.79	$235.79	$235.79	$7,383.11	$9,557.16	.....	.....	.....	.....	.....	23,088.98

TODD COUNTY.

November 19, 1892..	18,296	.....	.....	.....	.....	.....	$1,416.25	$236.40	.....	.....	$940.12	$159.36	.....	$2,752.13
December 9, 1892..	18,401	.....	.....	.....	.....	.....	340 00	383.05	.....	.....	.....	11.28	.....	734.35
December 9, 1892..	18,414	$370.28	$16.83	$16.83	$16.83	$16.83	.....	190.98	.....	.....	.....	.....	.....	628.58
April 12, 1893.....	18,870	.....	.....	.....	.....	.....	974.31	.....	.....	.....	.....	8.92	.....	983.23
April 6, 1893.....	18,829	1,718.17	78.09	78.09	78.09	78.09	.....	791.03	.....	.....	.....	.....	.....	2,821.56
July 28, 1893.	20,357	3,104.87	141.13	141.13	141.13	141.13	.....	1,424.46	.....	.....	.....	.....	.....	5,093.85
Totals	.....	$5,193.32	$236.05	$236.05	$236.05	$236.05	$1,756.25	$4,000.23	.....	.....	$940.12	$179.56	.....	$13,013.68

TRAVERSE COUNTY.

September 8, 1892...	18.175	.....	.....	.....	.....	.....	$6,161.50	$1,726.37	.....	.....	.....	.....	.....	$7,887.87
November 5, 1892...	18.276	$67.50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	67.50
November 5, 1892...	18.277	6 33	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6.33
November 9, 1892...	18.282	183.01	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	183.01
November 28, 1892..	18.320	114.93	$5.22	$5.22	$5.22	$5.22	.....	55.64	.....	.....	.....	.....	.....	191.45
November 28, 1892..	18.351	.....	.....	.....	.....	.....	.....	495.49	.....	.....	.....	.....	.....	495.49
February 13, 1893...	18.590	104.15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	104.15
April 3, 1893.....	18.794	.....	.....	.....	.....	.....	.....	365.89	.....	.....	.....	.....	.....	365.89
April 3, 1893.....	18.781	1,818.01	50.39	50.39	50.39	50.39	.....	507.83	.....	.....	.....	.....	.....	1,818 01
July 1, 1893.....	20.293	1,485.73	67.53	67.53	67.53	67.53	.....	679.49	.....	.....	.....	.....	.....	2,435.34
July 3, 1893.....	20.377	64.60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	64.60
July 3, 1893.....	19 013	467.25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	467.25
July 24, 1893.....	20.028	.....	.....	.....	.....	.....	.....	3,100.53	.....	.....	.....	.....	.....	3,100 53
Totals	.....	$3,602.12	$123.14	$123.14	$123.14	$123.14	$6,161.50	$6,931.24	.....	.....	.....	.....	.....	$17,187.42

WABASHA COUNTY.

August 1, 1892.....	17.912	$9.38	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$9.38
August 1, 1892.....	17.972	22.64	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	22.64
November 28, 1892..	18.321	158.19	$7.19	$7.19	$7.19	$7.19	.....	$82.62	.....	.....	.....	.....	.....	269.57
November 28, 1892..	18.352	.....	.....	.....	.....	.....	.....	1.25	.....	.....	.....	.....	.....	1.25
April 10, 1893.....	18.830	2,838.14	129.00	129.00	129 00	129.00	.....	1,303 89	.....	.....	.....	.....	.....	4,658.03
July 8, 1893.....	20,362	7,766.96	353.04	353.04	353.04	353.04	.....	3,543.50	.....	.....	.....	.....	.....	12,722.62
July 17, 1893.....	20,410	.....	.....	.....	.....	.....	$466.90	503.75	.....	.....	.....	.....	.....	970.65
Totals	.....	$10,795.31	$489.23	$489.23	$489.23	$489.23	$466.90	$5 435.01	.....	.....	.....	.....	.....	$18.654.14

WADENA COUNTY.

August 22, 1892.....	18.160	.....	.....	.....	.....	.....	$262.00	$66.01	.....	.....	.....	.....	.....	$328.01
November 24, 1892..	18.322	$162.98	$7.40	$7.40	$7.40	$7.40	.....	77.34	.....	.....	.....	.....	.....	269.92
November 28, 1892..	18.353	.....	.....	.....	.....	.....	.....	491.96	.....	.....	.....	.....	.....	491 96
April 3, 1893.....	18.744	.....	.....	.....	.....	.....	.....	93.00	.....	.....	.....	.....	.....	93.00
April 3, 1893.....	18 734	832.55	57.84	57.84	57 87	57 84	.....	384.55	.....	.....	.....	.....	.....	1.368.46
June 23, 1893.....	20 285	1,138.19	51.73	51.73	51.73	51.73	.....	518.97	.....	.....	.....	.....	.....	1,864.08
May 2, 1893	18.944	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$15.15	15.15
July 17, 1893.....	20,430	.....	.....	.....	.....	.....	.....	383.97	.....	.....	.....	.....	.....	383.97
Totals	.....	$2,133.72	$96.97	$96.97	$96.97	$96.97	$262.00	$2,015.80	.....	.....	.....	.....	$15.15	$4,814.55

WASECA COUNTY.

DATE OF PAYMENT.	No. auditor's drafts	Revenue	Soldiers' relief.	Forestry	Redemption.	Funding tax.	Permanent school.	General school.	Permanent university.	General university.	Internal improvement land fund	Internal improvement land fund interest.	State institutions.	Total.
November 28, 1892..	18,323	$123.75	$5.62	$5.62	$5.62	$5.62	.....	$57.90	.....	.....	.....	.....	.....	$204.13
November 28, 1892..	18,354	.....	.....	.....	.....	.....	.....	141.54	.....	$70 99	.....	.....	.....	212.53
April 1, 1893.....	18,705	.....	.....	.....	.....	.....	.....	55 15	.....	118.05	.....	.....	.....	173.20
April 1, 1893.....	18,691	1,834.33	83 38	83.38	83.38	83 38	.....	832.99	.....	.....	.....	.....	.....	3,000.84
June 17, 1893.....	20,240	5,911.90	268.72	268.72	268.72	268.72	.....	2,686.44	.....	.....	.....	.....	.....	9,673 22
June 17, 1893.....	20,294	.....	.....	.....	.....	.....	$492.35	06	.....	.....	.....	.....	.....	492.41
June 17, 1893.....	20,438	.....	.....	.....	.....	.....	.....	757.38	.....	475.47	.....	.....	.....	1,232.85
Totals.....	.....	$7,869.98	$357.72	$357.72	$357.72	$357.72	$492.35	$4,531.46	.....	$664 51	.....	.....	.....	$14,989.18

WASHINGTON COUNTY.

November 5, 1892...	18,269	.....	.....	.....	.....	.....	$408.67	$94.55	.....	.....	.....	.....	.....	$503.22
December 17, 1892..	18,439	$870.00	$39.54	$39.54	$34.54	$39.54	.....	451 81	.....	.....	.....	.....	.....	1,479.97
December 31, 1892..	18,491	.....	.....	.....	.....	.....	.....	250.42	.....	.....	.....	.....	.....	250.42
April 3, 1893, ...	18,706	.....	.....	.....	.....	.....	680.00	154.92	.....	.....	.....	.....	.....	834.92
April 3, 1893.....	18,692	5,618.16	256.37	256.37	256.37	256.37	.....	2,573.31	.....	.....	.....	.....	.....	9,212.95
June 29, 1893	20,338	15,963.38	725.60	725.60	725.60	725.60	.....	7,267.63	.....	.....	.....	.....	.....	26,133.41
July 25, 1893.....	20,476	.....	.....	.....	.....	.....	374.00	606.37	.....	.....	.....	.....	.....	980.37
Totals.....	.....	$22,451.54	$1,020.51	$1,020.51	$1,020.51	$1,020.51	$1,462 67	$11,399.21	.....	.....	.....	.....	.....	$39,395.46

WATONWAN COUNTY.

December 8, 1892...	18,402	.....	.....	.....	.....	.....	$1,836.00	$1,634.80	.....	$241.67	.....	.....	.....	$3,712.47
December 8, 1892..	18,415	$146.06	$6.63	$6.63	$6 63	$6.63	.....	67 66	.....	.....	.....	.....	.....	240.24
April 1, 1893.....	18,799	.....	.....	.....	.....	.....	4,862.00	1,833.25	.....	254.54	.....	.....	.....	6,949 79
April 1, 1893.....	18,797	1,762.31	80.10	80.10	80.10	80.10	.....	802.80	.....	.....	.....	.....	.....	2,885.55
June 26, 1893.....	20,313	4,178.60	189.93	189.93	189.93	189 93	.....	1,902.35	.....	.....	.....	.....	.....	6,840.67
Totals.....	.....	$6,086.97	$276.66	$276.66	$276.66	$276.66	$6,698.00	$6,240.86	.....	$496.21	.....	.....	.....	$20,628.68

WILKIN COUNTY.

October 31, 1892	18,262						$4,715.47	$1,374.76	$1,163.08	$329.15	$6.270.82	$1,832.11		$15,685.39
November 29, 1892	18,324	$301.75	$13.71	$13.71	$13.71	$13.71		$146.26						502.85
November 29, 1892	18,355						1,075.00	2,292 05		84.00				3,401.05
April 3, 1893	18,603	1,243.61	56.52	56.52	56.52	56.52		568.14						2,037.83
April 3, 1893	18,707							665.34						665.34
April 3, 1893	18,910										90.00	26.25		116.25
June 23, 1893	20,286	1,941.50	88.25	88.25	88.25	88.25		888.36						3,182.86
May 8, 1893	18,984							105.20						105.20
July 20, 1893	20,445							2,980.89		1,457.11			$12.10	4,450.10
July 31, 1893	20,501						222.00	64.31	521.61	150.94	636.95	155.05		1,0?0.10
Totals		$3,486.86	$158.48	$158.48	$158.48	$158.48	$6,012.47	$9,085.31	$1,684.69	$1,971.20	$6,897.77	$2,013.41	$12.10	$31,797.73

WINONA COUNTY.

November 26, 1892	18,325	$254.02	$11.54	$11.54	$11.54	$11.54		$119.00						$419.18
November 26, 1892	18,356							21.81						21.81
April 4, 1893	18,745							113.17						113.17
April 4, 1893	18,735	7,097.00	322.59	322.50	322.59	322.59		3,231.25						11,618.60
July 5, 1893	20,369						$1,169.00	1,040.50						2,209.50
July 5, 1893	20,312	18,664.62	848.39	848.39	848.39	848.39		8,489.31						30,547.49
Totals		$26,015.64	$1,182.52	$1,182.52	$1,182.52	$1,182.52	$1,169.00	$13,015.04						$44,929.76

WRIGHT COUNTY.

December 10, 1892	18,403						$240.00	$234.52		$9.90				$484.42
December 10, 1892	18,416	$365.73	$16.62	$16.62	$16.62	$16.62		173 67						605.88
April 13, 1893	18,871						338.00	340.86	$196.00	146.65				1,021.51
April 6, 1893	18,834	5,230.73	237.76	237.76	237.76	237.76		2,382.79						8,230.76
July 6, 1893	20,353	6,317.74	282.62	282.62	282.62	282.62		2,836.75						10,184.97
July 27, 1893	20,480						616 00	1.565.71	316.00	805.88				3,303 09
Totals		$11,814.20	$537.00	$537 00	$537.00	$537.00	$1.194 00	$7.534.30	$512.00	$961.93				$24,164.43

YELLOW MEDICINE COUNTY.

November 29, 1892	18,372	$232.11	$10.54	$10.54	$10.54	$10.54		$110.15						$384.42
November 29, 1892	18,383							742.85						742.85
April 4, 1893	18,795						$3,483.00	2,129.98				$20.81		5.633.79
April 4, 1893	18,782	2.531.98	115.09	115.09	115.09	115.09		1.154 26						4,146.60
July 17, 1893	20,401	4,508.07	204.91	204.91	204 91	204.91		2,054.22						7 381.93
July 24, 1893	20,452						399.00	4,381.40						4,480.40
Totals		$7,272 16	$330 54	$330.54	$330.54	$330.54	$3,882.00	$10,572.86				$20.81		$23,069.99

STATEMENT "B."

Receipts into the Treasury from Railroad Companies.

Date of Payment.	From what Source Received.	No. auditor's draft.	Revenue.
August 8, 1892.....	St. Paul & Duluth R. R. Co., 3 per cent. tax on line from St Paul to Duluth, 6 months, ending June 30, 1892..	18,135	$23,970.16
August 8. 1892.....	Grantsburg, Rush City & St. Cloud R'y Co., 2 per cent. tax on line from Rush City to St. Croix River, 6 months, ending June 30, 1892.....	18,136	23.30
August 8, 1892.....	Minneapolis & Duluth R. R. Co., 2 per cent. tax on line from Minneapolis to White Bear, 6 months, ending June 30, 1892.....	18,137	941.21
August 8, 1892... ..	Taylor's Falls & Lake Superior R'y Co., 2 per cent tax on line from Wyoming to Taylor's Falls, 6 months, ending June 30, 1892.....	18,138	171.52
August 10. 1892... .	Chicago, St. Paul, Minneapolis & Omaha R'y Co., 2 per cent. tax on line from Rice's Point to Duluth, 6 months, ending June 30, 1892.....	18,141	473.04
August 10, 1892.....	Chicago, St. Paul, Minneapolis & Omaha R'y Co., 3 per cent. on line from St. Paul and Minneapolis to Wisconsin State line, 6 months, ending June 30, 1892.....	18,142	7,170.13
August 10, 1892.....	Chicago, St. Paul, Minneapolis & Omaha R'y Co., 3 per cent. tax on line from St. Paul and Minneapolis to Iowa State line, 6 months, ending June 30, 1892.....	18,143	39,938.50
September 3. 1892..	Eastern R'y Co. of Minnesota, 2 and 3 per cent. tax on line from St. Paul to Wisconsin State line, 6 months, ending June 30, 1892.....	18,145	9,170.49
.....	Willmar & Sioux Falls R'y Co., 2 per cent. tax on line from Willmar to South Dakota State line, 6 months, ending June 30, 1892.....	18,146	3,873.52
September 26, 1892.	Great Northern R'y Co., account tax.....	18,147	50,000.00
October 5, 1892	Stillwater Union Depot & Transfer Co., 2 per cent. on lines in Stillwater, year ending December 31, 1891....	18,235	317 18
November 15, 1892..	Great Northern R'y Co., balance 3 per cent. on lines in Minnesota for 6 months, ending June 30, 1892	18,147	48,099.50
February 4, 1893....	North Star Construction Co., 1 per cent. on line from Short Line Park to Deer River, for year end. Dec.31,1892.	18 565	1,566.59
February 7, 1893....	Duluth & Iron Range R'y Co., 2 per cent. on line from Duluth to Ely, year ending December 31, 1892.....	18,561	30,949.52
February 8, 1893....	Chi., St. P., Mpls. & Omaha R'y Co., 2 per cent. on line from Rice's Point to Duluth, 6 mos., end. Dec. 31, 1892.	18,568	406.16
February 8, 1893....	Chi., St. P., Mpls. & Omaha R'y Co., 3 per cent. on line from St. Paul and Minneapolis to Iowa State line, 6 months, ending December 31, 1892.....	18,569	55,523.52
February 8, 1893....	Chi., S. Paul, Mpls. & Omaha R'y Co., 3 per cent. on line from St. Paul and Minneapolis to Wis. State line, 6 months, ending December 31, 1892.....	18,570	9,306.65
February 10, 1893...	Duluth, Missabe & Northern R'y Co., 1 per cent. on line from Stony Brook Junction to Mountain Iron and Virginia, for 5 months, ending December 31, 1892.....	18,563	165.75
February 10, 1893. .	Chi. & Northwestern R'y Co., 3 per ct. on line from Gary to Winona and branches, year end. Dec. 31, 1892....	18,564	64,220.71
Fegruary 11, 1893...	Minneapolis & Duluth R'y Co., 3 per cent. on line from Minneapolis to White Bear 6 mos. end. Dec. 31, 1892..	18,558	1,627.41
February 11, 1893...	St. Paul & Duluth R'y Co., 3 per cent. on line from St. Paul to Duluth, 6 months, ending Dec. 31, 1892.....	18,559	35,824.38
February 11. 1893...	Grantsburg, Rush City & St. Cloud R'y Co., 2 per cent. on line from Rush City to St. Cloud, 6 months, ending December 31, 1892.....	18,560	30.16
February 11, 1893...	Taylor's Falls & Lake Superior R'y Co., 3 per cent on line from Wyoming to Taylor's Falls, 6 months, ending December 31, 1892.....	18,579	338.97
February 11, 1893...	Minneapolis Eastern R'y Co., 3 per cent. on lines in Minneapolis, year ending December 31, 1892	18,578	1,570.47
February 14, 1893...	Chicago, Burlington & Northern R'y Co., 2 and 3 per cent. on line from Minneapolis to Wisconsin State line, year ending December 31, 1892.....	18,577	4,685.60
February 18, 1893...	Duluth Transfer R'y Co., 1 per cent. on line from Duluth to West Duluth, year ending December 31, 1892....	18,587	40.12
February 18, 1893...	Duluth Transfer R'y Co., 1 per cent. on line from Duluth to West Duluth, year ending December 31, 1891....	18,588	19.59
February 18, 1893...	Winona Bridge R'y Co., 1 per cent. on line from Winona to Wisconsin State line, year ending Dec. 31, 1892....	18,592	141.50

February 23, 1893...	Minnesota Belt Line R'y and Transfer Co., 1 per cent. on line from St. Anthony Park to Irondale and Fridley, 2 months, ending December 31, 1892	18,589	77.69
March 1, 1893.....	Dubuque & Sioux City R. R. Co., 3 per cent. on line from Cherokee, Iowa, to Sioux Falls, year ending December 31, 1892	18,624	232 40
March 1, 1893.....	Minneapolis Western R'y Co., 1 per cent. on lines in Hennepin county, year ending December 31, 1892	18,631	316.38
March 4, 1893.....	Chicago, Milwaukee & St. Paul R'y Co., 2 and 3 per cent. on line from Wabasha to Wisconsin line, year ending December 31, 1892	18,602	97.74
March 4, 1893.....	Chic., Milw. & St. Paul R'y Co., 2 pr ct on line from Ortonville to S. Dak. state line, year ending Dec. 31, 1892	18,603	1,257.74
March 4, 1893.....	Chic., Milw. & St. Paul R'y Co., 3 per cent. on main lines in Minnesota, year ending December 31, 1892	18,604	202,206.87
March 7, 1893.....	Wisconsin, Minnesota & Pacific R'y Co., 2 pr ct. on line from Red Wing to Mankato, year ending Dec. 31, 1892	18,627	5,983.98
March 7, 1893.....	Minneapolis & St. Louis R'y Co., 3 per cent. on lines in Minnesota, year ending Dec. 31, 1892	18,628	48,599.95
March 7, 1893.....	Cedar Rapids, Iowa Falls & Northwestern R'y Co., 2 per cent. on line from Iowa to South Dakota line, year ending December 31, 1892	18,632	2,130.25
March 7, 1893.....	Burlington, Cedar Rapids & Northern R'y Co., 3 per cent. on line from Albert Lea to state line, year ending December 31, 1892	18,633	2,204.02
March 7, 1893.....	Cedar Rapids, Iowa Falls & Northwestern R'y Co., 2 per cent. on line from Minnesota line to Ellsworth, year ending December 31, 1892	18,634	82.51
March 7, 1893.....	Cedar Rapids, Iowa Falls & Northwestern R'y Co., 2 and 3 per cent. on line from Minnesota line to Worthington, year ending December 31, 1892	18,635	428 82
March 7, 1893.....	Railway Transfer Co., of Minneapolis, 3 per cent. on lines in Minneapolis, year ending December 31, 1892	18,636	3,609.68
March 13, 1893....	Sioux City & Northern R'y Co., 1 per cent. on line from Iowa to S. Dakota line, year ending Dec. 31, 1892	18,614	394.74
March 14, 1893.....	Winona & Southwestern R'y Co., 1 per cent. on line from Winona to Iowa line, year ending Dec. 31, 1892	18,573	1,409.24
March 20, 1893.....	Duluth, Red Wing & Southern R'y Co., 1 and 2 per cent. on line from Red Wing to Zumbrota, year ending December 31, 1892	18,562	1,078.14
March 23, 1893.....	Chic. Gr't Western R'y Co., 3 and 1 per cent. on line from Minneapolis to Iowa line, year ending Dec. 31, 1892	18,532	15,293.34
March 30, 1893.....	Northern Pacific R. R. Co., account tax	18,601	34,839 54
April 1, 1893.....	Northern Pacific R. R. Co., 1 and 2 per cent. on line from Fertile to Carthage, year ending Dec. 31, 1892	18,595	1,827.95
April 1, 1893.....	Northern Pacific R. R. Co., 3 per cent. on line from Minneapolis to St. Paul, year ending December 31, 1892	18,596	2,591.30
April 1, 1893.....	Northern Pacific R. R. Co., 2 and 3 per cent. on line from Wadena to Breckenridge, year ending Dec. 31, 1892	18,597	4,494.73
April 1, 1893.....	Northern Pacific R. R. Co., 2 and 3 per cent. on line from Little Falls to Morris, year ending Dec. 31, 1892	18,598	2,650.20
April 1, 1893.....	Northern Pacific R. R. Co., 2 per cent. on line from Winnipeg Junction to Red River, year ending Dec. 31, 1892	18,599	4,835.44
April 1, 1893.....	Northern Pacific R. R. Co., 2 and 3 per cent. on line from Minneapolis to Brainerd, year ending Dec. 31, 1892	18,600	53,.50.37
April 1, 1893.....	Wis. Cent., Nor. Pac. R.R. Co., lessee, 3 per cent. on line from St. Paul to Minneapolis, year ending Dec. 31, 1892	18,608	1,180.81
April 1, 1893.....	Wisconsin Central, Northern Pac. R. R. Co., lessee, 2 per ct. on line to Wis. State line, year ending Dec. 31, 1892	18,609	3,043.78
April 24, 1893.....	Mpls., St. Paul & S. Ste. Marie R'y Co., 2 per ct. on line from Wis. line to N. Dak. line, year ending Dec. 31, 1892	18,873	20,068.98
April 29, 1893.....	N'n Pac. R R. Co., 3 per cent. on line from Duluth to Red River and branches, year ending Dec. 31, 1892, bal.	18,601	69,949.99
May 18, 1893.....	Great Northern R'y Co., account tax	18,574	50,000.00
June 3, 1893.....	Eastern R'y of Minnesota, 2 and 3 per ct. on line from St. Paul to Wisconsin line, 6 months, end. Dec. 31, 1892.	18,575	16,465.40
June 3, 1893.....	Willmar & Sioux Falls R'y Co., 2 per ct. on line from Willmar to S. Dakota line, 6 months, end. Dec. 31, 1892.	18,576	5,522 87
June 19, 1893.....	Great Northern R'y Co., account tax	18,574	45,000.00
June 20, 1893.....	Great Northern R'y Co., account tax	18,574	20,000.00
July 6, 1893.....	Great Northern R'y Co., balance 3 per cent. on lines in Minnesota, 6 months, ending December 31, 1892	18,574	23,564.53
July 8, 1893.....	Minnesota Transfer R'y Co., 2 per cent. on lines at transfer, year ending December 31, 1887	20,390	24.19
July 8, 1893.....	Minnesota Transfer R'y Co., 2 per cent. on lines at transfer, year ending December 31, 1888	20,391	46.60
July 8, 1893.....	Minnesota Transfer R'y Co., 2 per cent. on lines at transfer, year ending December 31, 1889	20,392	41.53
July 8, 1893.....	Minnesota Transfer R'y Co., 2 per cent. on lines at transfer, year ending December 31, 1890	20,393	54.89
July 8, 1893.....	Minnesota Transfer R'y Co., 2 per cent. on lines at transfer, year ending December 31, 1891	20,394	28.66
July 8, 1893.....	Minnesota Transfer R'y Co., 2 per cent. on lines at transfer, year ending December 31, 1892	20,395	34.00
Total.....			$1,036,744.98

STATEMENT "C."

RECEIPTS INTO THE TREASURY FROM STUMPAGE ON STATE LANDS.

Date of payment.	FROM WHAT SOURCE RECEIVED.	Auditor's draft.	Revenue.	Permanent school.	Permanent university.	Internal improvement land fund.	Internal improvement land fund int'r'st	State institutions.	Swamp land fund.	Total.
1892										
Aug. 1..	A. K Trask, pine cut 1891-92, sec. 36-42-28	17,682		$3,363.57						$3,363.57
Aug. 8..	Thos. H. Shevlin, pine cut 1891-92, sec. 16-45-17	17.681		745.29						745.29
Aug. 9..	Wm. O'Brien, balance, pine cut 1891-92, sec. 16-44-19	17.643		2,459.85						2.459.85
Aug. 9..	H. B. Fray, balance, pine cut 1891-92, sec. 36-140-27	17,718		2,731.38						2,731.38
Aug. 9..	W. F. Glason, pine cut 1891-92 sec. 16-37-23	18,153		8 00						8.00
Aug. 11..	J. H. Flynn, pine cut 1891-92, sec. 36-53-21	17.682		658.77						658 77
Aug. 11..	A. Gowan, pine cut 1891-92, sec. 36-51-20	17,815		147.24						147.24
Aug. 11..	A. Gowan, account, pine cut 1891-92, sec. 16-53-13	17,817		98.23						98.23
Aug. 13..	Knox & DeLaittre, pine cut 1891-92, sec. 36-48-26	17,993		41.97						41.97
Aug. 13..	Knox & DeLaittre, pine cut 1891-92, sec. 16-46-25	17,994		182.52						182.52
Aug. 15..	Ed. St. John, pine cut 1891-92, sec. 16-42-18	17.694		378.77						378.77
Aug. 15..	Ed. St. John, pine cut 1891-92, sec 36-42-19	17,699		405.06						405.06
Aug. 17..	St. Anthony Lumber Co., pine cut 1891-92, sec. 16-139-28	17.731		1,787.47						1,787.47
Aug. 17.	St. Anthony Lumber Co., pine cut 1891-92, sec. 16-139-27	17.732		2,256.28						2.256.28
Aug. 23..	Knox & DeLaittre, pine cut 1891-92, sec. 16-49-25	18.162		47.10						47.10
Sept. 1..	Williston, Charnley & Co., pine cut 1891-92, sec. 16-59-14	18,124		7,783.05						7,783 05
Sept. 5..	Wm. Sauntry, pine cut 1891-92, sec. 16-47-21	17.774		4,447.66						4,447.66
Sept. 5..	Wm. Sauntry, pine cut 1891-92, sec. 36-47-20	17,725		288.88						288.88
Sept. 5..	Wm. Sauntry, pine cut 1891-92, sec. 26-47-20	17.726						$51.50		51.50
Sept. 5..	H. C. Ackley Lumber Co., pine cut 1891-92, sec. 36-141-25	17.880		852.42						852.42
Sept. 5..	H. C. Ackley Lumber Co., pine cut 1891-92, sec. 34-136-32	17,927		153.81						153.81
Sept. 5 .	H. C. Ackley Lumber Co , pine cut 1891-92, sec. 36-138-33	17.998		605.16						605.16
Sept. 5..	H. C. Ackley Lumber Co., pine cut 1891-92, sec. 16-136-32	17,929		2,187.42						2,187.42
Sept. 5..	H. C. Ackley Lumber Co., pine cut 1891-92, sec. 4, 8, 10, 20, 28-137-34	17,931						431.57		431.57
Sept. 7..	St. Anthony Lumber Co., pine cut 1891-92, sec. 16-140-28	17.728		10,459.26						10,459.26
Sept. 8..	Cloquet Lumber Co., balance, pine cut 1891-92, sec. 36-50-16	17,666		11,701.19						11,701.19
Sept. 8..	Howe Lumber Co., pine cut 1891-92, sec. 16-62-14	18,191		877.96						877.96
Sept. 8..	Howe Lumber Co., pine cut 1891-92, sec. 17-63-18	18,193		23.40						23 40
Sept. 8..	Howe Lumber Co., pine cut 1891-92, sec. 36-63-17	18,194		211.35						211.35
Sept. 8..	Howe Lumber Co., pine cut 1891-92, sec. 36-63-17	18,195		186.48						186.48
Sept. 19.,	H. W. Baker, account, pine cut 1891-92, sec. 36-52-21	17,653		316.00						316.00
Sept. 19..	H. M. Waldroff, pine cut 1892-91, sec. 36-48-19	18,226		21.00						21.00

Sept.	28..	A. Gowan, balance, pine cut 1891-92, sec. 16-53-13	17,817		1,719.59					1,719.59
Sept.	28..	A. Gowan, pine cut 1891-92, sec. 16-50-19	17,814		3,815.28					3,815.28
Sept.	28..	A. Gowan, pine cut 1891-92, sec. 16-50-16	18,816		6,027.32					6,027.32
Sept.	28..	A. Gowan, pine cut 1891-92, sec 36-54-13	17,818		2,934.94					3,934.94
Sept.	28..	A. Gowar, pine cut 1891-92, sec. 16-54-13	17,819		7,579 75					7,579.75
Oct.	3..	F. W. Bonness, pine cut 1891-92, sec. 36-48-22	17,807		2,262.12					2,262.12
Oct.	3..	F. W. Bonness, pine cut 1891-92, sec. 36-48-21	17,808		601.66					601 66
Oct.	3..	F. W. Bonness, pine cut 1891-92, sec. 18-49-24	17,870						31.97	31.97
Oct.	3..	F. W. Bonness, pine cut 1891-92, sec. 16-49-24	17,871		359.93					359 93
Oct.	3..	F. W. Bonness, pine cut 1891-92, sec. 6-49-22	17,872						79.62	79 62
Oct.	3..	A. H. Powers, pine cut 1891-92, sec. 36-57-22	17,801		3,460.65					3 460.65
Oct.	3..	A. H. Powers, pine cut 1891-92, sec. 1 & 2-56-22	17,802			$2,075.78				2,075.78
Oct.	3..	A. H. Powers, pine cut 1891-92, sec. 16-56-22	17,788		109.86					109.86
Oct.	3..	A. H. Powers, pine cut 1891-92, sec. 16-56-23	17.980		1,144.18					1,144.18
Oct.	3..	A. H. Powers, pine cut 1891-92, sec. 9-56-23	17.979			2,027.68				2,027.68
Oct.	3..	A. H. Powers, pine cut 1891-92, sec. 31-56-23	17.981			125.84				125.84
Oct.	7..	A. Erlandson, account, pine cut 1891-92, sec. 16-48-18	17.679		200.00					200.00
Oct.	8..	Samuel Mathews, pine cut 1891-92, sec. 16-46-16	17,680		4,144.32					4,144.32
Oct.	10..	Red River Lumber Co., pine cut 1891-92, sec. 36-147-38	18,243		635 81					635.81
Oct.	10..	Red River Lumber Co., pine cut 1891-92, sec. 36-147-36	18,244		70.35					70.35
Oct.	10..	Red River Lumber Co., pine cut 1891-92, sec. 16-147-35	18,245		385.86					385.86
Oct.	10..	Red River Lumber Co., pine cut 1891-92, sec. 16-147-35	18,246		2,736.15					2,736.15
Oct.	10 .	Red River Lumber Co., pine cut 1891-92, sec. 36-147-36	18,247		3,078.47					3,078.47
Oct.	10..	Red River Lumber Co., pine cut 1891-92, sec. 16-147-36	81,248		126.39					126.39
Oct.	10..	H. C. Ackley Lumber Co., pine cut 1891-92 sec. 15-55-22	17.809			471.00				471.00
Oct.	10..	H. C. Ackley Lumber Co., pine cut 1891-92. sec. 16-55-22	18,039		1,026.09					1,026.09
Oct.	13..	Engene Oneal, pine cut 1891-92, sec. 16-42-19	17.641		5,714.22					5.714.22
Oct.	25.	R. Erlandson, account, pine cut 1891-92, sec. 16-48-18	17.649		200.00					200.00
Oct.	25..	Peterson & Co., pine cut 1891-92, sec. 36-47-19	18.260		2.82					2.82
Oct.	26..	A. Erlander, balance, pine cut 1891-92, sec 16-48-18	17,679		177.81					177.81
Oct.	26..	A. Erlander, pine cut 1891-92. sec. 36-48-18 15-22-27-53-18	17,678		26.30					26.30
Nov.	4..	Geo. Foley, pine cut 1891-92, sec 16-27-36-56-18	18,273		550.00					550.00
Nov.	14..	H. W. Baker, balance, pine cut 1891-92, sec. 36-52-21	17,653		100.28					100.28
Nov.	25..	Jacob Pele, pine cut 1891-92, sec. 36-63-12	18,384		10.75					10.75
Dec.	5..	E. Robinson, pine cut 1891-92, sec. 36-63-12	18,390		30.00					30.00
Dec.	15..	Williston, Charnley & Co., pine cut 1891-92, sec. 27-59-14	18.271			213.20				213.20
Dec.	19..	H. C. Ackley Lumber Co., pine cut 1891-92, sec. 36-137-32.	17,930		4,917.08					4,917.08
1893										
Jan.	12..	John Bergloff, pine cut 1891-92, sec. 36-40-23	17,873		53.20					53.20
Jan.	26..	Swan River Lumber Co., pine cut 1891-92, sec. 36-53-22	18,536		20.00					20.00
Jan.	26..	Swan River Lumber Co., pine cut 1891-92, sec. 6-53-22	18,537						380.00	380.00
Mar.	11..	Samuel McCluer, pine cut 1891-92, sec. 16-41-21	18,657		19.28					19.28
Mar.	11..	Peter Fredine, pine cut 1891-92, sec. 16-39-20	18,663		88.64					88.64
Mar.	22..	W. R. Baumback, pine cut 1891-92, sec. 16-136-35	18,713		31.00					31.00
Mar.	24..	H. M. Waldruff, pine cut 1891-92, sec. 36-48-19	12.756		9.30					9.30
Mar.	28..	H. F. Brown, pine cut 1891-92, sec. 26-54-23	18,768						55.60	55.60
April	3..	Peter Morrison, pine cut 1891-92, sec. 36-49-21	18,839		75.20					75.20
April	15..	C. McCabe, pine cut 1891-92, sec. 28-46-20	18,901						24.35	24.35
April	15..	Geo. Lydick, pine cut 1891-92, sec. 22-55-27	18,902						66.00	66.00

STATEMENT "C."—*Continued.*

Date of payment.	FROM WHAT SOURCE RECEIVED.	Auditor's draft	Revenue.	Permanent school.	Permanent university.	Internal improvement land fund.	Internal improvement land fund int'r'st	State institutions.	Swamp land fund.	Total.
April 17..	Albert Sommers, pine cut 1891-92. sec. 26-41-22	18,888		$101 03						$101.03
April 17..	P. W. Crowley, pine cut 1891-92, sec. 34-43-20	18,889		251.95						251.95
April 17..	P W. Crowley, pine cut 1891-92, sec. 28-43-20	18,890		32.00						32.00
April 19..	W. H. Rounsweller, pine cut 1891-92, sec. 16-48-18	18,894		2,056.64						2,056.64
April 24..	Duluth & I. R. R. R. Co., pine cut 1891-92, sec. 16-57-13	18,918		361.55						361.55
April 25..	T. E. Buck, pine cut 1891-92, sec 20-140-34	18.919							$20.00	20.00
April 28..	H. C Davis, pine cut 1891-92, sec. 26-42-21	18,883		1,314.42						1,314.42
April 28..	H. C. Davis, timber cut 1892-93. sec. 34-42-21	18,884		106.70						106.70
May 6..	A. Erlandson, timber cut 1892-93, sec. 36-48-18	18,948		24.80						24.80
May 6..	C. McCabe, timber cut 1892-93, sec. 28-46-20	18,754						$36.10		36.10
May 6..	C. McCabe, timber cut 1892-93, sec. 36-48-19	18,755		272.65						272.65
May 15..	Chas. Keith, timber cut 1892-93, sec. 16-39-27	18,955		305.19						305 19
May 15..	Chas. Keith, timber cut 1892-93, sec. 36-39-28	18,957		240.62						240.62
May 16..	Kehl & Deary, timber cut 1892-93, sec 29-50-60-26	18,931		456.09						449 09
May 16..	O. A. Smith, timber cut 1892-93, sec. 9-42-28	18,952		44.75						44.75
May 19..	J. J. McDonald, timber cut 1892-93, sec. 16-46-27	18,966		13.50						13.50
June 1..	Dunn & Mareia, timber cut 1892-93, sec. 16-38-20	15,876		490.72						490.72
June 2..	Chas. Keith, timber cut 1892-93, sec. 36-41-26	18,953		47.98						47.98
June 3.	Herman Hill, timber cut 1892-93, sec. 17-51-20	19,018							151.10	151 10
June 3..	H. W. Baker, timber cut 1892-93. sec. 4-51-20	19,019							67.10	67.10
June 8..	C. H. Davis, timber cut 1892-93, sec. 16-54-22	18,960		2,348.50						2,348.50
June 8..	C. H. Davis, timber cut 1892-93. sec. 16 54-22	13,964		9,716 13						9,716.13
June 9..	R. W. Jones, timber cut 1892-93, sec. 36-44-29	18,967		383.96						383.96
June 9..	R. W. Jones, timber cut 1892-93, sec. 16-44-28	18,968		518.38						518.38
June 9..	R. W. Jones, timber cut 1892-93. sec. 36-45-29	18.969		106.27						106.27
June 9..	R. W. Jones, timber cut 1892-93, sec. 16-44-29	18.970		287.41						287.41
June 14..	C. Graves, timber cut 1892-93, sec. 16-142-26	18.981		86.12						85.12
June 14..	C. Graves, timber cut 1892-93, sec. 36-143-26	18,972		106.10						106.10
June 16..	H. A. Libbie, timber cut 1892-93, sec. 36-143-25	18,973		256.83						256.83
June 17..	Frank Webber, timber cut 1892-93, sec. 16-38-22	19,996		187.22						187.22
June 17..	Samuel Hodadon, timber cut 1892-93, sec. 26-47-26	20,230						121.02		121.02
June 20..	Boyd & Wilbur, timber cut 1892-93, sec. 16-52-11	20,276		923.31						923.31
June 20..	O. N. Marston, timber cut 1892-93. sec. 3-46-25	20,282							8.00	8.00
June 20..	O. N. Marston, timber cut 1892-93, sec. 30-46-25	20,283							20.00	20.00
June 21..	D. L. Young, timber cut 1892-93, sec. 2-46-25.	20,287						24.00		24.00
June 22..	Jas. Sherry, timber cut 1892-93, sec. 33-60-23	20,228		66.45						66 45
June 23..	I. E. Staples, timber cut 1892-93, sec. 36-131-30	20,222		109.54						109.54

June 23..	S. Dower, timber cut 1892-93, sec. 16-131-31	20,233		158.06						158.06
June 23..	Soper & Rumery, timber cut 1892-93, sec. 29-62-23	20,249		402.52						402.52
June 23..	W. R. Bumbock, timber cut 1892-93, sec. 16-138-35	20,309		52.50						52.50
June 24	R. W. Jones, timber cut 1892-93, sec. 16-133-1	20,258		116.00						116 00
June 26..	E. W. Backus, timber cut 1892-93, sec. 28-139-29	17,685				202.74				202.74
June 26..	E. W. Backus, int. on draft No. 17685	20,332					$14.04			14.04
June 27.	Peterson & Co, timber cut 1892-93, sec. 36-47-19	20,326		43.25						43.25
July 1..	Jno. N. Nevers, timber cut 1892-93, sec. 16-45-30	20,327		66.42						66.42
July 5..	Goldberg & Anderson, timber cut 1892-93, sec. 36-38-25	20,383		28.54						28.54
July 8..	H. C. Davis, timber cut 1892-93, sec. 4-42-21	18,881		198.45						198.45
July 10..	A. Gowan, account, timber cut 1892-93, sec.	18,915		1,000.00						1,000.00
July 12..	David Tozer, timber cut 1892-93, sec. 36-44-17	18,912		707 04						707.04
July 13..	Jos. Mulvey, account, timber cut 1892-93, sec	18.916		500.00						500.00
July 13..	Wm. Deary, timber cut 1892-93, sec. 36-62-24	18.947		1.819.68						1,819.68
July 13..	Wm Deary, timber cut 1892-93, sec. 36-63-24	18,946		1,627.25						1,627.25
July 17..	M. A. Snyder, timber cut 1892-93 sec. 16-53-21	20,419		18.50						18.50
July 17..	Andrew Byond, timber cut 1892-93, sec. 6-52-20	20,420							61.40	61.40
July 18..	E. S. KinCannon, timber cut 1892-93, sec. 36-132-34	20,446		14.45						14.45
July 19..	Jos. W. Blabon, timber cut 1892-93, sec. 12-140-32	20,380						48.55		48.55
July 22	Hall Ducy Lumber Co., timber cut 1892-93, sec. 36-40-28	18.954		39.32						39.32
July 22..	T. H. Shereline, timber, cut 1892-93, sec. 36-42-28	18.956		174.45						174.45
July 24.	Wm. O'Brien, timber cut 1892-93, sec. 32-43-20	19,988		980.95						980.95
July 24..	Wm. O'Brien, timber cut 1892-93, sec 30-43-20	19,989		60.83						60.83
July 24..	Wm. O'Brien, account, timber cut 1892-93	20,275		1,342.22						1,342.22
July 24..	Foley Brothers, timber cut 1892-93, 36-39-29	18,653		201.40						201.40
July 24..	Foley Brothers, timber cut 1892-93, 36-39-29	18,654	$6.50							6.50
July 25..	Dennis Boyle, account, timber cut 1892-93	20,397		500.00						500.00
July 28..	Red River Lumber Co., timber cut 1892-93, sec. 36-147-36	20,340		168.96						168.96
July 28..	Red River Lumber Co., timber cut 1892-93, sec. 36-147-37	20.342		357.70						357.70
July 28..	E. W. Backus, timber cut 1892-93, sec. 24-139-31	17.688			248.44					248.44
July 28..	David Tozer, timber cut 1892-93, sec. 16-42-17	18,913		2,710.75						2,710.75
July 29..	Noah Adams, timber cut 1892-93, sec. 29-25	20.505			500.00					500.00
July 29..	A. Gowan, account, timber cut 1892-93	18,915		1,000.00						1,000.00
	Totals		$6.50	$145,377.19	$5,661.94	$202.74	$14.04	1,350.28	$327.60	$152,940.29

STATEMENT "D."

RECEIPTS INTO THE TREASURY FROM MINERAL LEASES ON STATE LANDS.

Date of Payment.	From what Source Received.	No. auditor's draft.	Permanent school.	Permanent university.	Internal improvement land fund.	State institutions fund.	Total.
1892.							
July 3	Stone Iron Co., contract No. 7	18,131		$100.00			$100.00
Aug. 6	J. C. Haynes, contract No. 238	18,133	$100.00				100.00
Aug. 6	D. W. Bruckart, contracts Nos. 235, 236 and 237	18,132	800.00				800.00
Aug. 10	Joseph Croze, leases No. 1,546 and 1,547	18,156	50.00				50 00
Aug. 12	Joseph Croze, lease No. 1,548	18,159	25.00				25.00
Aug. 20	B. W. Taylor, lease No. 1,549	18,164	25.00				25.00
Aug. 25	A. B. Wilgus, leases No. 1,159 to 1,169 inclusive	16,250	100.00	50.00		$125.00	275.00
Sept. 3	E. L. Fisher, lease No. 1,550	18,192	25.00				25.00
Sept. 10	Edward Wakelin, contract No. 239	18,210	100.00				100.00
Sept. 10	Nicholas Probeck, contract No. 240	18,211	100.00				100 00
Sept. 12	Morris, Thomas leases Nos. 1,551, 1,552 and 1,553	18,213	75.00				75.00
Sept. 16	A. T. Crossley, leases Nos. 1,554, 1,569 inclusive	18,221	400.00				400.00
Oct. 11	John A. Hanson, leases Nos. 1,570 to 1,573 inclusive	18,230	75.00	25.00			100.00
Oct. 20	John A. Hanson, leases Nos. 1,574 and 1,575	18,254		50.00			50.00
Oct. 27	S. G. Iverson and Chas. W. Crosby, lease No. 1,576	18,263	25 00				25.00
Oct. 58	G. H. Warren, lease No. 1,577	18,264	25.00				25.00
Nov. 9	John McKinley, contracts Nos. 260, 261 and 262	18,280	300.00				300.00
Nov. 12	G. H. Warren, contracts Nos. 241 to 259 inclusive	18,272	500.00	1,300.00		100.00	1,900 00
Nov. 15	E. L. Fisher, lease No. 1,578	18,288	25.00				25.00
Nov. 15	Frank Barrett, contract No. 263	18,287	100.00				100.00
Dec. 17	Thomas W. Kirby, leases Nos. 1,581 to 1,583 inclusive	18,472	75.00				75.00
Dec. 14	Mesabi Chief Iron Co., contract No. 268	18,453		100.00			100.00
Dec. 21	J. C. Haynes, trustee, contract No. 32	18,477				$100.00	100 00
Dec. 23	Charles M. Wright, leases Nos. 1,584 to 1,587 inclusive	18,480	75.00	25.00			100 00
Dec. 23	John McCarthy, leases Nos. 1,588 to 1,591 inclusive	18,481	100.00				100.00
Dec. 28	Mesaba Chief Iron Co., contract No. 269	18,492		100.00			100.00
Dec. 28	John Iverson, lease No. 1,579	18,385	25.00				25.00
Dec. 28	John Iverson and A. H. Groves, lease No.	18,454	25.00				25.00
Dec. 28	Stowell Iron Co., contracts Nos. 33, 34, 35 and 36	18,483	400.00				400.00
Dec. 29	A. W. Dutton, contracts Nos. 264 and 265	18,496	200.00				200.00
Dec. 29	Charles G. Shipman, contracts Nos. 266 and 267	18,497	200.00				200.00
Dec. 30	W. B. Martin, leases No. 1,592 to 1,597 inclusive	18,500	150.00				150 00
Dec. 30	A. C. Jamison, lease No. 1,615	18,502	25.00				25.00
1893.							
Jan. 3	B. L. McIntyre, leases Nos. 1,636 to 1,637 inclusive	18,509		100.00		100.00	200.00
Jan. 3	A. T. Crossley, leases Nos. 1,627 to 1,629 inclusive	18,508		75.00			75.00
Jan. 3	J. A. O. Shaughnessey, leases Nos. 1,598 to 1,614 inclusive	18,501	425.00				425.00
Jan. 3	A. T. Crossley, leases Nos. 1,616 to 1,626	18,505	175.00		25.00	75.00	275.00
Jan. 3	Mesabi Chief Iron Co., contracts Nos. 270 and 271	18,503	100.00	100.00			200.00
Jan. 10	J. H. Baker, B. R. Cowen, E. W. Griffin, trustees, contracts Nos. 37, 38 and 40	18,517	400.00				400.00

Jan.	10	J. H. Baker, F. A. Griffin and N. V. Griffin, contracts 41, 42, 43, 44, 45, 46 and 47	18,518		$700.00		$700.00
Jan.	10	G. J. Hibbard, lease No. 1,639	18,515	$25 00			25.00
Jan.	10	T. A. Hibbard, lease No. 1,638	18,514	25.00			25.00
Jan.	10	Charles M. Wright, leases Nos. 1,640 to 1,643 inclusive	18,516	100.00			100.00
Jan.	13	Pennsylvania Iron Steel Co., contracts Nos. 272 to 278 incl	18,520	700.00			700.00
Jan.	16	A. T. Crossley, leases Nos. 1,644, 1,645 and 1,646	18,523		75.00		75.00
Jan.	16	D. W. Bruckart, contract No. 279	18,524	100.00			100.00
Jan.	16	Frank L. Krayenbuhl, leases Nos. 1,647 and 1,648	18,525	50.00			50.00
Jan.	17	Lackawana Iron Co., contracts Nos. 280 and 281	18,527		200.00		200.00
Jan.	20	W. H. Smallwood, leases Nos. 1,649 and 1,650	18,529	50.00			50.00
Jan.	21	H. B. Moore, contract No. 48	18,531	100.00			100.00
Jan.	25	Lackawana Iron Co., contracts Nos. 283 and 284	18,535		200.00		200.00
Jan.	25	C. J. Crosby, G. H. Crosby and E. F. Clark, contract No. 282	18,534		100.00		100.00
Jan.	25	Frank L. Krayenbuhl, lease No. 1,651	18,533		25.00		25.00
Jan.	27	Charles M. Wright, lease No. 1,652	18,539	25.00			25.00
Feb.	1	P. H. Kirwan, leases No. 1,655 to 1,662 inclusive	18,548			$200.00	200.00
Feb.	1	Thos. B. Lewis, lease No. 1,654	18,545	25.00			25.00
Feb.	1	Geo. H. Crosby, Chas. J. Crosby and E. F. Clark, contracts Nos. 285 to 288 inclusive	18,543		400.00		400.00
Feb.	1	John Cogan, lease No. 1,653	18,544			$25.60	25.00
Feb.	1	John Cogan, lease Nos. 1,663 and 1,664	18,549			50.00	50 00
Feb.	4	Daniel L. Case, contract No. 313	18,557	100.00			100.00
Feb.	4	Mesabi Iron Range Mining Co., cont's Nos. 289 to 312 incl	18,552			2,400.00	2,400.00
Feb.	8	Charles M. Wright, leases Nos. 1,666 to 1,680	18,580	300.00		75.00	375.00
Feb.	9	Mesabai Mountain Iron Co., contracts Nos. 49 to 51 incl., 56 to 60 incl., 65 to 80 incl.	18,581	1,900.00		500.00	2,400.00
Feb.	9	H. G. Ingersoll, contracts Nos. 53 and 54	18,583	200.00			200 00
Feb.	13	S. G. Iverson, lease No. 1,665	18,567			25.00	25 00
Feb.	13	S. G. Iverson, lease No. 1,681	18,584	25.00			25.00
Feb.	14	Wm. F. Gore, leases Nos. 1,682, 1,683 and 1,684	18,586			75.00	75.00
Feb.	16	A. M. Cox, lease No. 1,685	18,594			25.00	25.00
Feb.	23	Hayall Mayhew, lease No. 1,686	18,611	25.00			25.00
Feb.	23	Edward E. Lewis, lease No. 1,687	18,512	25.00			25.00
Feb.	23	A. N. Gittings, lease No. 1,688	18,613	25.00			25.00
Feb.	23	Wm. S. Swan, leases Nos. 1,690 and 1,691	18,616	50.00			50.00
Feb.	23	J. R. Osman, leases Nos. 1,692 and 1,693	18,617	50.00			50.00
Feb.	23	Thomas B. Lewis, lease No. 1,689	18,614	25.00			25.00
Feb.	24	J. R. Osman, leases Nos. 1,694 and 1,695	18,618			50.00	50 00
Feb.	24	J. H. Newton, lease No. 1,696	18,619			25.00	25.00
Feb.	24	C. G. Lewis, trustee, contracts Nos. 314, 315 and 316	18,621			300.00	300.00
Feb.	24	Fred Barrett, contract No. 317	18,622			100.00	100.00
Feb.	25	K. W. Brown, lease No. 1,697	18,623			25.00	25.00
Mar.	1	W. G. Clark, Jr., leases Nos. 1,698 to 1,704 inclusive	18,637	175.00			175.00
Mar.	1	Edward E. Lewis, lease No. 1,705	18,638	25.00			25.00
Mar.	1	A. N. Gettings, lease No. 1,706	18,630	25.00			25.00
Mar.	2	Bewabik Mountain Iron Co., cont's Nos. 93 to 105 incl	18,642	500.00	$800.00		1,300.00
Mar.	2	Mountain Iron Co., contracts Nos. 81 to 92 inclusive	18,641	1,200.00			1,200.00
Mar.	7	Morris O. Brooks, lease No. 1,708 and 1,709	18,646	25.00	25.00		50.00

STATEMENT "D" —*Continued.*

Date of Payment.	From what Source Received.	No. auditor's draft.	Permanent school.	Permanent university.	Internal improvement land fund.	State institutions fund.	Total.
1893.							
Mar. 7	J. N. Newton, leases Nos. 1,710 to 1,718 inclusive	18,647				$225.00	$225.00
Mar. 7	Chas. Depon, leases No. 1,719	18,648				25.00	25.00
Mar. 7	John McCarthy leases Nos. 1,720 to 1,725 inclusive	18,649		$25.00		150.00	150.00
Mar. 7	Wallace Warner and W. H. Hearn, lea's Nos. 1,726, 1,727 incl	18,650				25.00	50.00
Mar. 7	C. H. Benedict, lease No. 1,707	18,645				25 00	25.00
Mar. 9	David Ogilvie, leases Nos. 1,729 to 1,731 inclusive	18,651				100.00	100.00
Mar. 9	J. H Newton, leas- No 1,732	18,652				25.00	25.00
Mar. 9	K. W. Brown, leases Nos. 1,733 to 1,735 inclusive	18,655				75.00	75.00
Mar. 9	R. F. Fitzgerald, leases Nos. 1,736 to 1,739 inclusive	18,656	$100.00				100.00
Mar. 9	H. C. Akeley, contracts 7 and 10	18,658	200.00				200.00
Mar. 11	Albert E. Hydemann, leases Nos. 1,770 to 1,773 inclusive	18,658	100.00				100.00
Mar. 11	F. Tillia, leases Nos. 1,740 to 1,769 inclusive	18,661	750.00				750.00
Mar. 11	Fannie Griffin and F. N. Warner, contracts 3	18,662	100.00				100 00
Mar. 13	S. W. Whitmore, leases Nos. 1,775 and 1,776	18,665				50.00	50.00
Mar. 13	A. H. Mulliken and J. R. Osman, lease No. 1,774	18,664	25.00				25.00
Mar. 13	James D. Wood, leases Nos. 1,778 and 1,779	18,666	25.00			25.00	50.00
Mar. 14	R. F. Fitzgerald, leases Nos 1,779 and 1,780	18,667	50.00				50.00
Mar. 16	Chas. J. and Geo. H. Crosby, lease No. 1,803	18,674				25.00	25.00
Mar. 16	A. Forsberg, leases Nos. 1,799 to 1,802 inclusive	18,673	25.00	25.00		50.00	100.00
Mar. 16	T. J. Feeley, lease No. 1,797	18,671				25.00	25.00
Mar. 16	Thos. J. Morrow, leases Nos. 1,781 to 1,783 incl. and 1,7.2	18,668	100.00				100.00
Mar. 16	A. M. Cox, leases Nos. 1,795 and 1,796	18,670	25.00			25.00	50.00
Mar. 16	J. H. Newton, leases Nos. 1,784, 1,791 incl., 1,793 and 1,794	18,666	250.00				250.00
Mar. 18	A. M. Cox, lease No. 1,804	18,676	25.00				25.00
Mar. 18	T. J. Mullane, leases Nos. 1,805 to 1,807 inclusive	18,677				75.00	75.00
Mar. 18	C. H. Smith, lease No. 1,808	18,679	25.00				25.00
Mar. 20	H. B. Moore, contracts Nos. 106 and 107	18,711	200.00				200.00
Mar. 22	W. W. Sanford and G. H. MacClelland, leases Nos. 1,815 to 1,818 inclusive, 1,821, 1,822, 1,827 and 1,828	18,718	200.00				200.00
Mar. 22	A. C. Jamison and G. H. MacClelland, leases Nos. 1,819 and 1,820	18,719	50.00				50.00
Mar. 22	Charles M. Wright, lease Nos 1,798	18,672	25.00				25.00
Mar. 22	Jno. J. McAuliffe, leases Nos. 1,831 to 1,835 inclusive	18,721	125.00				125.00
Mar. 22	N. B. C. T. and T. A. Merrill and C. A. MacClelland, leases Nos. 1,823 to 1,826 inclusive, 1,829 and 1830	18,720	150.00				150.00
Mar. 22	Martin B. Bruggmann, lease No. 1,836	18,746				25.00	25.00
Mar. 22	David Ogilvie, lease No. 1,837	18,747	25.00				25.00
Mar. 22	Martin B. Bruggmann, lease No. 1,838	18,748	25.00				25.00
Mar. 23	Lucy Gray Harrison, exe'trix, cont. Nos. 14, 139, 140, and 141	18,749	400.00				400.00
Mar. 23	Thomas J. Morrow, lease No. 1,845	18,753				25.00	25.00
Mar. 23	T. J. Mullane, lease No. 1,844	18,752	25.00				25.00
Mar. 23	David Ogilvie, lease No. 1,843	18,751	25.00				25.00

Mar.	23	Nathaniel F. Warner, leases Nos. 1,839 to 1,842 inclusive	18,750	$100.00				$100.00
Mar.	24	John J. McAuliffe, leases Nos. 1,846 to 1,854 inclusive	18,757	200.00			$25.00	225.00
Mar.	24	D. M. Bruckart, leases Nos. 1,809 and 1,814	18,712	150.00				150.00
Mar.	24	Thomas J. Morrow, leases Nos. 1,857 and 1,858	18,759	25.00			25.00	50.00
Mar.	24	John Cogan, leases Nos. 1,855 and 1,856	18,758				50.00	50.00
Mar.	27	F. W. Dean, leases Nos. 1,859 to 1,868 inclusive	18,761	250.00				250.00
Mar.	27	Geo. B. Brown, lease No. 1,869	18,762		$25.00			25.00
Mar.	27	Robert Landen, contracts No. 19 and 20	18,763		200.00			200.00
Mar.	28	Bernard Zimmermann, leases Nos. 1,870 to 1,873 incl.	18,764				100.00	100.00
Mar.	28	P. O. Holland, O. G. Olson and Alfred Johnson, leases Nos. 1,877 to 1,881 inclusive	18,766	125.00				125.00
Mar.	28	John J. McAuliffe and Joseph Engle lease No. 1,882	18,767	25.00				25.00
Mar.	28	Thomas J. Morrow, leases Nos. 1,874 to 1,876 inclusive	18,765	25.00			50.00	75.00
Mar.	30	C. Powell Grady, leases Nos. 1,885 to 1,892 inclusive	18,771	200.00				200.00
Mar.	30	F. J. Chipman, lease No. 1,884	18,770				25.00	25.00
Mar.	30	David Ogilvie, lease No. 1,883	18,769		25.00			25.00
Apr.	1	D. Grauman, lease No. 1,893	18,832				25.00	25.00
Apr.	1	D. Gauman, leases Nos. 1,894 to 1,898 inclusive	18,838	125.00				125.00
Apr.	6	C. H. Davis, leases Nos. 1,899 to 1,901 inclusive	18,842	75.00				75.00
Apr.	6	Thomas J. Morrow, lease No. 1,902	18,843				25.00	25.00
Apr.	6	George S. West, lease No. 1,903	18,844				25.00	25.00
Apr.	6	F. J. Chipman, leases Nos. 1,904 and 1,905	18,845				50.00	50.00
Apr.	6	T. R. Foley, leases Nos. 1,906 and 1,907	18,846	25.00			25.00	50.00
Apr.	6	C. H. Davis, lease No. 1,908	18,848	25.00				25.00
Apr.	7	Denison B. Smith, Jr., leases Nos. 1,909 to 1,911 inclusive	18,872	75.00				75.00
Apr.	20	Geo. P. Tredt, leases Nos. 1,912 to 1,914 inclusive	18,906		75.00			75.00
Apr.	26	E. B. Fredrick, leases Nos. 1,915 and 1,916	18,920	50.00				50.00
Apr.	27	Andrew Slatten, leases Nos. 1,917 to 1,923 inclusive	18,921		175.00			175.00
Apr.	28	Chas. L. Sheridan and Thomas J. McKeen, lease No. 1,924	18,924	25.00				25.00
May	1	Charles G. Harger, Jr., lease Nos. 1,925 to 1,927 inclusive	18,929	75.00				75.00
May	8	Charles G. Harger, Jr., lease No. 1,928	18,982		25.00			25.00
May	13	R. K. Doe, lease No. 1,929	18,993	25.00				25.00
May	15	Biwabik Mountain Iron Co., contracts Nos. 26 to 30 incl.	18,995	500.00				500.00
May	18	Itasca Iron Mining Co., contracts Nos. 173 to 201 incl	18,998	1,800.00	1,100.00			2,900.00
May	19	W. P. Gee, leases Nos. 1,930 and 1,931	19,002	50.00				50.00
May	29	L. Kimball, leases Nos. 1,932 to 1,935 inclusive	19,010	100.00				100.00
June	1	David Ogilvie, contracts Nos. 318 and 319	19,017				200.00	200.00
June	12	Republic Iron Co., contracts Nos. 154 to 158 inclusive	19,997	500.00				500.00
June	14	E. R. Baker, leases Nos. 1,936 to 1,949 inclusive	20,225				350.00	350.00
July	21	John A. Healey, lease No. 1,950	20,461				25.00	25.00
		Total		$18,200.00	$6,225.00	$25.00	$6,350.00	$30,800.00

STATEMENT "E."

Receipts into treasury from miscellaneous sources.

Date of payment.	From what source received.	No. auditor's drafts.	Revenue.	Reform school.	Permanent school.	General school.	Permanent university.	General university	Grain inspection	Internal improvement fund.	Total.
1892.											
Aug. 1.	St Cloud Normal School, mis. rec'pts.	18,124	$286.81								$286.81
Aug. 1.	First Hospital Insane, mis. receipts.	18,123	1,031.04								1,031.04
Aug. 2	State University, U. S. allowance ...	18,114						$3,750.00			3,750.00
Aug. 2.	Institute for Defectives, mis. rec'pts.	18,128	268.41								268.41
Aug. 3.	First Hospital Ins'ne, from sale of lots	18,130	650.00								650.00
Aug. 5.	Reform School, miscellaneous recp'ts	18,134	463.33								463.33
Aug. 6.	Jos. Bobleter, treasurer, coll. Reform School lots	18,140		$1,395.61							1,395.61
Aug. 8.	School for the Blind, mis. receipts...	18,139	527.20								527.20
Aug. 8.	School for the Deaf, mis. receipts....	18,138	394.61								394.61
Aug. 9.	A. K. Flaseth, Dairy Com.. r'cpts fees	18,149	700.00								700.00
Aug. 9.	Geo. S. Myron, game and fish fines....	18,151	50.00								50.00
Aug. 9.	State Public School, mis. receipts....	18,152	5 91								5.91
Aug. 9	F. P. Brown, Secretary of State, fees	18,148	91.45								91.45
Aug. 9.	School for Feeble Minded, mis. r'cpts.	18,139	160.38								160.38
Aug. 10	State University, U. S. allowance....	18,157						18,000.00			18,000.00
Aug. 11.	Soldiers' Home, miscel. receipts.....	18,158	1,085 50								1,085.50
Aug. 20	Soldiers' Home. U. S. allowance.....	18,168	3,202.98								3,202.98
Aug. 22.	A. C. Clausen, grain inspection fees.	18,169							$12,200.00		12,200.00
Aug 25.	U. S. Gov't., 5 per cent. on land sales									$4,028.75	4,028.75
Sept. 1.	M. D. Kenyon, public examiner's fees	18,190	340.00								340.00
Sept. 8.	M. D. Kenyon, public examiner's fees	18.204	20.00								20.00
Sept. 9.	Interest on July deposits.		3,553.50						191.65		3,745.15
Sept. 10.	Reform School, miscel. receipts.....		3.96								3.96
Sept. 10.	F. P. Brown, secretary's fees.....	18,212	108.95								108.95
Sept. 13.	M. D. Kenyon, public examiner's fees	18,220	60.00								60.00
Sept. 17.	M. D. Kenyon, public examiner's fees	18,225	30.00								30.00
Sept. 17.	State Prison, miscellaneous receipts.	18,219	51,409.01								51,409.01
Sept. 20	A. C. Clausen, grain inspection fees.								10,500.00		10,500.00
Sept. 23.	M. D. Kenyon, public examiner's fees	18,228	10.00								10.00
Sept. 23	M. D. Kenyon, public examiner's fees	18,232	10.00								10.00
Sept. 27.	Interest on August deposits...		6,100 19						106.38		6,206.57
Oct. 5.	M. D. Kenyon, public examiner's fees	18,240	20.00								20.00
Oct. 8.	Peter Nelson, fee cand'e. Sec. of State		50.00								50.00
Oct. 11.	F. P. Brown, fees candidates for State officers		3,300.00								3,300.00
Oct. 11.	F. P. Brown, secretary's fees.....	18,252	65.40								65.40
Oct. 12.	State Prison, miscellaneous receipts.	18,253	7,063.94								7,063.94
Oct. 18.	Soldiers' Home, U. S. allowance.....	18,257	3,775.00								3,775.00

Oct. 18.	State University, U. S. allowance....	18,256						3,750.00			3,750.00
Oct. 19.	M. D. Kenyon, public examiner's fees	18,255	20.00								20.00
Oct. 20.	A. C. Clausen, grain inspection fees..	18,259							14,000.00		14,000.00
Oct. 26.	Interest on September deposits		6,484.13						195.66		6,679.79
Oct. 31.	Mankato Normal School, mis. rec'pts.	18,266	1,143.41								1,143.41
.....	Jos. Bobleter, Treasurer, collection Reform School lots.	13,268		123.60							123 60
Nov. 5	Winona Normal School, mis. rec'pts.	18,274	1,215.75								1,215.75
Nov. 5.	Reform School, miscel. receipts	18,275	339.67								339.67
Nov. 5.	Soldiers' Home, miscel. receipts	18,278	1,114 50								1,114.50
Nov. 9.	M. D. Kenyon, public examiner's fees	18,281	20.00								20.00
Nov. 10.	F. P. Brown, from sale of old carpets		100.00								100.00
Nov. 10.	State University, miscel. receipts....	18,279						23,170.59			23,170.59
Nov. 10.	School for the Deaf, miscel. receipts.	18,283	294.55								294.55
Nov. 11.	State Prison, miscellaneous receipts.	18,284	5,596.42								5,596.42
Nov. 11.	M. D. Kenyon, public examiner's fees	18,285	10 00								10.00
Nov. 15.	State Public School, miscel. receipts.	18,290	163.70								163.70
Nov. 15	F. P. Brown, secretary's fees.....	18,289	74.65								74.65
Nov. 16	Interest on October deposits.....		5,519.18						192.33		5,711.51
Nov. 17.	Second Hospital Insane, mis. rec'pts.	18,291	877.62								877.62
Nov. 19.	First Hospital Insane, misc. receipts.	18,292	914.71								914.71
Nov. 22.	M. D. Kenyon, public examiner's fees	18,294	30.00								30.00
Nov. 25	St. Cloud Normal School, mis. rec'pts	18,361	594.00								594.00
Nov. 28.	Institute for Defectives, mis. rec'pts.	18,357	278.37								278 37
Nov. 28.	A. C. Clausen, grain inspection fees..	18,293							19,500.00		19,500.00
Dec. 10.	Interest on November deposits.....		4,073.53						191.19		4 264.72
Dec. 13.	F. P. Brown, secretary's fees	18,417	93.90								93.90
Dec. 15	State Prison, miscellaneous receipts.	18,455	4,655.50								4,655.50
Dec 17.	Clerk Municipal C't, Mpls. dairy fines	18,473	325.00								325.00
Dec. 19.	M. D. Kenyon, public examiner's fees	18,475	10.00								10.00
Dec. 19.	Minnesota Iron Company, tax.....	18,461	5,003.63								5,003.63
Dec. 19.	Zenith Iron Company, tax	18,460	134.91								134.91
Dec. 20.	A. C. Clausen, grain inspection fees..	18,476							16,500.00		16,500.00
Dec. 27.	Chandler Iron Company, tax.....	18,462	6,496.96								6,496.96
Dec. 27.	H. B. Willis, oil inspection fees.....	18,483	4,337.04								4,337.04
1893.											
Jan. 3.	Game and Fish Commissioner, fines.	18,506	15.00								15.00
Jan. 7.	M. D. Kenyon, public examiner's fees	18,511	10.00								10.00
Jan. 11.	Reformatory, miscellaneous receipts	18,519	5,533.15								5,533.15
Jan. 12.	State University, U. S. allowance....	18,521						3,750.00			3,750.00
Jan. 14.	F. P. Brown, secretary's fees.....	18,522	135.50								135 50
Jan. 16.	Interest on December deposits.		4,025.57						217.53		4,243.10
Jan. 17.	State Prison, miscellaneous receipts.	18,526	7,565.68								7,565.68
Jan. 18.	Interest on $2,400.000 Tennessee 3's....					34,650.00		1,350.00			36.000.00
Jan. 20.	A. C. Clausen, grain inspection fees.	18,528							14,000.00		14,000.00
Jan. 27.	A. K. Finseth, dairy commission fees	18,538	645.00								645.00
Jan. 27.	A. K. Finseth, dairy commission fees	18,541	183.00								183.00
Jan. 30.	State University, miscel. receipts....	18,540						9,428.89			9,428.89
Feb. 2.	State Prison, miscellaneous receipts.	18,551	4,321.05								4,321.05
Feb. 2.	Berndt Anderson, dairy com'r. fees..	18,550	200.00								200.00

STATEMENT "E."—*Continued.*

Date of payment.	From what Source Received.	No. auditor's draft.	Revenue.	Reform school.	Permanent school.	General school.	Permanent university.	General university.	Grain inspection.	Internal improvement fund.	Total.
1893.											
Feb. 4	Moorhead Normal School, mis. rc'pts.	18,586	$460.92								$460.92
Feb. 7.	H. B. Willis, oil inspection fees	18,571	2,228.08								2,228.08
Feb. 7.	Winona Normal School, mis. receipts	18,572	1,079.10								1,079.10
Feb. 9.	Reform School, miscel. receipts	18,582	1,163.61								1,163.61
Feb. 11.	Soldiers' Home, miscel. receipts	18,585	1,068.00								1,068.00
Feb. 14.	F. P. Brown, secretary's fees	18,591	149.90								149.90
Feb. 14.	Interest on January deposits		3,709.41						$220.18		3,929 59
Feb. 15.	Western Union Telegraph Co., tax.	18,553	11,550.00								11,550 00
Feb. 16	Institute for Defectives, mis. rec'pts.	18,593	1,289.69								1,289.69
Feb. 17.	Second Hospital Insane, mis. rec'pts.	18,606	1,698.77								1,698.77
Feb. 18.	First Hospital Insane, mis. receipts	18,605	853.43								853.43
Feb. 20.	N. W. Telephone Exchange Co., tax.	18,554	5,775.00								5,775.00
Feb. 21.	A. C. Clausen, grain inspection fees	18,610							7,000.00		7,000.00
Feb. 23.	City of St. Paul, pub. examiner's fees	18,615	171.00								171.00
Feb. 24.	St. Cloud Normal School, mis. rc'pts.	18,620	658.68								658 68
Feb. 25.	H. B. Willis, oil inspection fees	18,625	163.56								163.56
Feb. 27.	Duluth Telephone Co., tax	18,556	525.00								525.00
March 3	State Prison, miscellaneous receipts.	18,643	4,418.60								4,418.60
March 3.	M. D. Kenyon, public examiner's fees	18,640	10.00								10.00
Mar. 11.	F. P. Brown, secretary's fees	18,660	89.90								89.90
Mar. 18.	North American Telegraph Co., fees.	18,555	1,155.00								1,155.00
Mar. 20.	City of St. Paul, pub. examiner's fees	18,710	138.00								138.00
Mar. 20.	A. C. Clausen, grain inspection fees.	18,715							4,600.00		4,600.00
Mar. 21.	M. D. Kenyon, public examiner's fees	18,717	10.00								10.00
Mar. 21	Soldiers' Home, U. S. allowance	18,722	3,150 00								3,150.00
Mar. 25.	Interest on February deposits		3,528.84						207.79		3,736.63
April 4.	Hon. John Wacek, refunded mileage.		15.90								15.90
April 6.	State Prison, miscellaneous receipts.	18,847	17,219.51								17,219.51
April 13.	F. P. Brown, secretary's fees	18,892	187.15								187 15
April 15	State University, U. S. allowance	18,891						$3,750.00			3,750.00
April 19.	Interest on March deposits		4,211.27						206.57		4,417.84
April 20.	A. C. Clausen, grain inspection fees.	18,914							6,000.00		6,000.00
April 29.	City of St. Paul, pub. examiner's fees	18,926	210.00								210.00
April 29.	U. S. Gov't, 5 per cent. on land sales.									$4,711.64	4,711.64
May 2.	Cl'k Municipal Ct. Mpls., dairy fines	18,941	140.00								140.00
May 2.	Institute for Defectives mis. rec'pts	18,940	1,891.08								1,891.08
May 2.	Moorhead Normal School, mis. rc'pts	18,942	262.96								262.96
May 5.	Reform School, miscel. receipts	18,950		$260.00							260.00
May 5.	Reform School, miscel receipts	18,951	424.65								424.65
May 8.	Soldiers' Home, miscel. receipts	18,983	1,374.00								1,374.00
May 9.	St. Cloud Normal School, mis. rc'pts.	18,986	440.00								440.00

May 9.	Winona Normal School, mis. rec'pts.	18,985	1.439.80								1,439.80
May 9.	State Prison, miscellaneous receipts.	18,987	5,215.75								5.215.75
May 12.	First Hospital Insane, mis. receipts.	18,991	1,374.86								1,374.86
May 15.	State University, miscel. receipts....	18,992						2,343.01			2,343.01
May 16.	Soldiers' Home, U. S. allowance.	18,996	5,529.44								5,529.44
May 17.	A. C. Clausen, grain inspection fees..	18,997							6,400.00		6,400 00
May 18.	Game and Fish Commission, fines....	19,000	20.00								20 00
May 18.	Berndt Anderson, Dairy Com'r, fines	19,001	100 00								100.00
May 18.	Second Hospital Insane, mis. rec'pts.	18,999	1,095.21								1,095.21
May 29.	Interest on Funding Bonds, due Jan. 1st. 1893					$2,782.50		6,912.50			9,695.00
May 29.	Interest on April deposits		4,575.34						183.34		4,758.68
May 31.	F. P. Brown, secretary's fees	19,015	121.25								121.25
May 31.	Refund't acct. Sold's' Home support.		3 00								3.00
June 2.	Jos. Bobleter, Treas., coll. Reform School lots	19,021		3,817.79							3,817.79
June 8.	State Prison, miscellaneous receipts.	19,023	3,723.45								3,723.45
June 9.	Game and Fish Commission, fines....	19,983	10.00								10.00
June 9.	City of St. Paul, pub. examiner's fees	19,985	180.00								180.00
June 9.	Jos. Bobleter, Treas., coll. Reform School lots	19,986		872.56							872.56
June 12.	Reformatory, miscellaneous receipts	19,999	1,021.45								1,021.45
June 13.	M. D. Kenyon, bank examiner's fees.	20,224	10.09								10.00
June 16.	A. C. Clausen, grain inspection fees..	20,253							12,000.00		12,000.09
June 17.	Berndt Anderson, Dairy Com'r, fees.	20,264	153.00								153.00
June 17.	M. D. Kenyon, bank examiner fees...	20,265	10.00								10.00
June 23.	Game and Fish Commission, fines....	20,310	50.00								50.00
June 26.	M. D Kenyon, bank examiner's fees	20,325 20,314	355.00								355.00
June 26.	Interest on May deposits		4,607.73						173.13		4,780.86
June 27.	M. D. Kenyon, bank examiner's fees.	20,336	620.00								620.00
June 28.	A. Biermann, State Aud'r, grass sales	20,347	1,629.94								1,629.94
June 29.	M D. Kenyon, bank examiner's fees.	20.349	365.00								365.00
July 1.	F. P. Brown, secretary's fees	20,370	106.10								106.10
July 1.	Redempt'n bond, No. 1 rev'ne loan, 1889				$50,000.00						50,000.00
July 1.	Interest on revenue and build. bonds					14,000.00		2,000.00			16,000.00
July 3.	M. D. Kenyon, bank examiner's fees.	20,381	525.00								525.00
July 5.	U. S. Gov't, 5 per cent. on land sales.	20,382								6,220.70	6,220.70
July 6.	Reformatory, miscellaneous receipts	20,384	225 43								225.43
July 6.	M. D. Kenyon, int. on bank note dep't		58.88								58.88
July 8.	Winona Normal School, mis. rec'pts..	20,399	493.85								493.85
July 8.	Game and Fish Commission, fines....	20,400	40.00								40.00
July 8.	School fund apportionment from Capitol lands				1,699.83						1.699.83
July 8.	M. D. Kenyon, bank examiner's fees.	20,351	20 00								20 00
July 8.	M. D. Kenyon, bank examiner's fees.	20,396	100.00								100.00
July 8.	Interest on $2,400,000 Tennessee 3's....					34.650.00		1,350.00			36,000.00
July 8.	Game and Fish Commission. fines....	20,402	10 00								10.00
July 10.	State Prison, miscellaneous receipts.	20,422	4,554.69								4.554.69
July 12.	State University, U. S. allowance....	20,424						3,750.00			3,750.00

STATEMENT "E."—*Concluded.*

Date of payment.	From what Source Received:	No. auditor's drafts.	Revenue.	Reform school.	Permanent school.	General school.	Permanent university.	General university.	Grain inspection.	Internal improvement fund.	Total.
July 12.	St. Cloud Normal School, mis. rec'pts	20,425	118.50	.....	.....	.....	.....	.....	.....	.....	118.50
July 13.	Game and Fish Commission, fines....	20,426	30.00	.....	.....	.....	.....	.....	.....	.....	30.00
July 17.	M. D. Kenyon, bank examiner's fees.	20,447	215.00	.....	.....	.....	.....	.....	.....	.....	215.00
July 21.	A. C. Clausen, grain inspection fees..	20,462	.....	.....	.....	.....	.....	.....	12,000.00	.....	12,000.00
July 24.	Mankato Normal School, mis. rec'pts	20,478	1,558.50	.....	.....	.....	.....	.....	.....	.....	1,558.50
July 25.	Jos. Bobleter, Treas., coll. Reform School lots.....	20,485	.....	301.62	.....	.....	.....	.....	.....	.....	301.62
July 26.	Interest on June deposits.....	.....	3,984.27	.....	.....	.....	.....	.....	159.60	.....	4,143.87
July 28.	State University, U. S. allowance ...	20,497	.....	.....	.....	.....	.....	19,000.00	.....	.....	19,000.00
July 28.	Second Hospital Insane, mis. rec'pts.	20,498	1,133.99	.....	.....	.....	.....	.....	.....	.....	1,133.99
July 29.	F. P. Brown, secretary's fees.....	20,503	74.85	.....	.....	.....	.....	.....	.....	.....	74.85
July 29.	A. Biermann, State Aud. grass sales.	20,507	1,430.41	.....	.....	.....	.....	.....	.....	.....	1,430 41
July 31.	State University, miscel. receipts ...	20,509	.....	.....	.....	.....	.....	12,000.00	.....	.....	12,000.00
July 31.	For permanent University fund account bond redemption.....	.....	.....	.....	.....	.....	$8,236.52	.....	.....	.....	8,236.52
	Totals.....	.....	$275,703.44	$6,771.18	$51,699.83	$86,082 50	$8,236.52	$114,304.90	$137,035.35	$14,961.09	$694,794.90

STATEMENT "F."

RECEIPTS FROM INCORPORATION FEES.

1892.			
Aug.	2.	Tribune Publishing Company, fee	$50.00
Aug.	3.	Moffett Bushnell Company, fee	50.00
Aug.	3.	Ball, Thornburg & Company, fee	50.00
Aug.	4.	Jacobi Elevator Company, fee	50.00
Aug.	4.	Missouri Iron Company, fee	50 00
Aug.	5.	Standard Ore Company, fee	775.00
Aug.	6.	Buffalo Land and Exploring Company, fee	90.00
Aug.	6.	T. J. Preece Mercantile Company, fee	100.00
Aug.	9.	South Minnesota Land Company, increase	15.00
Aug.	9.	French Leage Safety Cure Company, fee	50.00
Aug.	9.	North West Publishing Company, increase	25.00
Aug.	11.	Thorp Elevator Company, fee	50.00
Aug.	11.	Thorp Mercantile Company, fee	50.00
Aug.	15.	Mankota Knitting Mills, fee	100.00
Aug.	15.	State Bank of Minneapolis, increase	15.00
Aug.	16.	Ohio Iron Company, fee	50.00
Aug.	16.	Buerden Farmer's Warehouse Association, fee	50.00
Aug.	17.	D. Aberle Company, fee	65.00
Aug.	17.	Wadena State Bank, fee	50.00
Aug.	18.	Silver Chief Mining Company, fee	275.00
Aug.	22.	Clarkfield State Bank, fee	50.00
Aug.	22.	Bank of Hutchinson, fee	50.00
Aug.	23.	Bessemer Iron Developing and Mining Company, fee	75.00
Aug.	26.	Bank of Minneapolis, Increase	25.00
Aug.	26.	Zenith Investment and Loan Company, fee	50.00
Aug.	26.	Western Elevator Company, fee	175.00
Aug.	26.	Lone Jack Iron Company, fee	275.00
Aug.	26.	Worlds Fair Butter and Egg Company, fee	50.00
Aug.	30.	Union Brass Metal Manufacturing Company, fee	50.00
Aug.	31.	Fifth Ward Transfer Railway Company, fee	50.00
Sept.	1.	Minnesota and Western Grain Company, fee	75.00
Sept.	5.	Parkersburg Iron Company, fee	75.00
Sept.	5.	Crystal Creamery Company, fee	50.00
Sept.	7.	Thomas Iron Company, fee	125.00
Sept.	7.	Citizens State Bank of Princeton, fee	50 00
Sept.	8.	Minneapolis Improvement Company North East, fee	1,025.00
Sept.	8.	Standard Security Company, fee	75.00
Sept.	9.	Minnesota Hydro Carbon Burner Company, fee	75 00
Sept.	9.	Lake of the Isles Realty Company, fee	70.00
Sept.	12.	Virginia Light and Water Company, fee	50.00
Sept.	12.	Diamond Iron Mining Company, fee	75.00
		Continental Catering Company, fee	75.00
Sept.	13.	Thurston Cold Storage and Warehouse Company, fee	100.00
Sept.	16.	Mankato Milling Company, fee	75.00
Sept.	16.	Fergus Falls Hotel Company, fee	50.00
Sept.	16.	Conover Gee Company, fee	50.00
Sept,	19.	Valksblatt Publishing Company, fee	50.00
Sept.	19.	Kewername Red Sandstone Company, fee	75.00
Sept.	20.	Metropolitan Bank, increase	25.00
Sept.	20.	Iron King Mining Company, fee	275.00
Sept.	21.	Butte General Electric Company, fee	325.00
Sept.	22.	North Western Promoting Company, fee	50.00
Sept.	22.	Nicollet National Bank Building Company, fee	75.00
Sept.	26.	Minneapolis General Electric Company, fee	1,275.00
Sept.	27.	Guarantee Loan and Debenture Company, fee	50.00
Sept.	27.	Biwabik Ore Company, fee	525.00
Sept,	28.	Improvement Land and Exploring Company, fee	100.00
Sept.	29.	Carter Rittenberg and Hamlin Company, fee	75.00
		Oliver Mining Company, fee	625.00
Sept.	30.	Hanan Shoe Company, fee	50.00
		Nelson Mercantile Company, fee	50.00
		Minneapolis Printing Company, fee	50.00
Oct.	1.	International Development Company, fee	75.00
Oct.	1.	Real Estate Exchange of St. Paul, fee	50.00
Oct.	3.	Schumeier Land and Improvement Company, fee	75.00
		Northwestern Grain and Binder Company, fee	175.00
Oct.	6.	Canby Farmers Elevator and Supply Company, fee	50.00
Oct.	12.	Grand Forks Electric Street Rail Road Company, fee	75.00
Oct.	13.	Duluth News Tribune Company, fee	50.00
Oct.	14.	Missoula General Electric Company, fee	125.00
Oct.	17.	The Anderson Company of Moorhead, fee	75.00
		Phœnix Electric Company, increase	10.00
Oct.	18.	S. F. Heath Cycle Company, fee	50.00
Oct.	19.	Security Bank of Renville, fee	50.00
		Winona Light, Heat and Power Company, increase	25.00

Oct.	22.	Minneapolis Industrial Exposition, increase	100.00
		Black Jack Mining Company, fee	75.00
		Royal Milling Company, fee	75.00
Oct.	25.	Bank of Paynesville, fee	50.00
		Worlds Fair Transportation and Accom. Company, fee	50.00
Oct.	29.	Flour City Investment Company, fee	50.00
Oct.	31.	Hartland Milling Company, fee	50 00
Oct.	20.	Cape Company, fee	50.00
Nov.	2.	Grand Marais Real Estate and Improvement Company, increas.	5 00
Nov.	2.	Northwestern National Bl Chloride of Gold Company, fee	50 00
Nov.	2.	Peoples Gas and Electric Company, Little Falls, fee	50.00
Nov.	4.	Northwestern Lumber Company, fee	50.00
Nov.	5.	Wheeler Marble Iron Company, fee	325.00
Nov.	9.	Clara City State Bank, fee	50.00
Nov.	12.	The Elliott Company of Minneapolis, fee	85.00
Nov.	14.	H. J. Smith Exploring Company, fee	50.00
Nov.	16.	Smith & Rogers Lumber Company, fee	50.00
Nov.	18.	Security Savings and Loan Building Company, fee	75.00
Nov.	19.	Bradstreet Thurber Company, fee	15.00
Nov.	23.	Weinhold Drug Company, fee	50 00
Nov.	25.	Sundby Handkerchief Company, fee	50.00
Nov.	26.	Martin County Democrat Company, fee	50.00
Nov.	26.	Northwestern Realty Company Limited, fee	275.00
Nov.	29.	Minnesota Nickel Steele Company, fee	75.00
Nov.	29.	E. H. Steele Company, fee	50.00
Dec.	1.	Kurfield Stock Farm Company, fee	75.00
Dec.	5.	Merchants Bank, fee	50.00
Dec.	8.	The Cooby and Vatee Company, fee	50.00
Dec.	12.	American Development Company, fee	50.00
Dec.	12.	The Oldenberg Jasberg Company, fee	50.00
Dec.	13.	Welcome Improvement Company, 5ee	50.00
Dec.	14.	Midway Pythian Hall Association	50.00
Dec.	15.	Highward Land Company, fee	65.00
Dec.	15.	Crane and Ordway, fee	125.00
Dec	15.	H. Boehler Company, fee	100.00
Dec.	16.	St. James Opera House Company, fee	50.00
Dec.	20.	Minnesota Coal Compound Company, fee	50.00
Dec.	20.	Phœnix Laundry and Supply Manufacturing Company, fee	50.00
Dec.	23.	Midway Elevator Company, increase	15.00
Dec.	29.	State Bank of Springfield, Increase	5.00
1893.			
Jan.	3.	Sveadahl Creamery Manufacturing Company, fee	50.00
Jan.	3.	Morahgo Farmer Store, fee	50.00
Jan.	4.	Citizens State Bank, Waseca, fee	50.00
Jan.	6.	Barum Land and Live Stock Company, fee	50.00
Jan.	7.	Ranchleau-Ray Iron Company, fee	525.00
Jan.	7.	American Exchange Bank, increase	10.00
Jan.	7.	Minneapolis Paint Manufacturing Company, fee	75.00
Jan.	9.	Karlsbad Mineral Spring of America, fee	75.00
Jan.	9.	Cloquet Electric Light and Power Company, fee	50.00
Jan.	10.	Buffalo Elevator Company, fee	50.00
Jan.	11.	Commercial Light and Power Company, fee	275 00
Jan.	13.	Butte General Electric Company, Increase	125.00
Jan.	17.	Hanson and Lampert Company, fee	50.00
Jan.	18.	Adams Iron Company, fee	525.00
Jan.	18.	Lawmore Iron Company, fee	275.00
Jan.	18.	O. S. Sandberg Company, fee	50.00
Jan.	21.	Bovey-De Laittre Lumber Company, increase	90.00
Jan.	23.	Mankato Safe Deposit Vault Company, fee	50.00
Jan.	34.	L. T. Brown Company, fee	50.00
Jan.	24.	Gribbin Lumber Company, fee	100.00
Jan.	25	Corser Investment Company, fee	50.00
Jan.	25.	Corser-Belknap Agency, fee	50.00
Jan.	26.	J. A. Wild Company, fee	50.00
Jan.	28.	State Bank of St. James, Increase	15.00
Jan.	28.	Standard Bank of Minneapolis, Increase	5.00
Jan.	30.	State Bank of Good Thunder, fee	50.00
Jan.	30.	Anchor Investment Company, 4ee	50.00
Jan	31	Amboy Elevator Company, fee	50.00
Feb.	1	State Finance Company, fee	50.00
Feb.	2	The Bibb Broom Corn Company, fee	50.00
Feb.	2	Edison Building Company of Minneapolis, fee	90.00
Feb.	3	Chadburne Loan and Trust Company, fee	125.00
Feb.	4	Structural Land Company, fee	75.00
Feb.	4	Wisconsin Lumber Company, fee	125.00
Feb.	6	Trocky State Bank, fee	50.00
Feb.	7	Columbian Bond Investment Company, fee	50.00
Feb.	7.	Bank of Litchfield, Increase	10.00
Feb.	7.	Electrical Engineer and Supply Co, fee	50.00
Feb.	7.	R. E. Jones Company, Increase	10.00
Feb.	8,	Gorham Land Company, fee	50.00
Feb.	9.	F. A. Johnson Company, fee	50.00
Feb.	9.	Otto Johnson Company, fee	50.00
Feb.	11.	F. W. Johnson Company, fee	50.00
Feb.	15.	Moose Mining Company, fee	525.00
Feb.	21.	United States Loan and Investment Company, fee	225.00

Feb.	21.	Savings Investment and Loan Company, fee	125.00
Feb.	23.	Duluth Dry Goods and Provision Company, fee	75.00
Feb.	24.	Mason & Lee Lumber Company, fee	50.00
Feb.	24.	J. A. Wedum Company, fee	50.00
Feb.	24.	Eureka Collecting Company, fee	50.00
Feb.	24.	Travelingmen's Circulating Library Company, (limited)	50.00
Feb.	27.	Hall Manufacturing and Mercantile Company, fee	50.00
Mar.	2.	Wallace Car Coupler Company, fee	55.00
Mar.	3.	Royal Furniture and Carpet Company, fee	75.00
Mar.	8.	Independent Telephone Company, fee	50.00
Mar.	11.	Columbia College Association, fee	50.00
Mar.	13.	Minneapolis Carriage Company, fee	50.00
Mar.	14.	United States Realty Company, fee	50.00
Mar.	15.	Mineral Land Investment Company fee	75 00
Mar.	15.	Review Publishing Company, fee	50.00
Mar.	16.	Brainerd Electric Company, fee	65.00
Mar.	17.	Bank of St. Charles, fee	50.00
Mar.	17.	Pennsylvania Coal and Oil Company, fee	150.00
Mar.	22.	New World Publishing Company, fee	50.00
Mar.	22.	Spring Valley Electric Light and Improvement Company, fee	50.00
Mar.	23.	Sniveley Mining Company, fee	275.00
Mar.	24.	Duluth Feed and Storage Company, fee	50.00
Mar.	27.	Knife River Improvement Company, fee	50.00
Mar.	29.	Boyd Transfer and Fuel Company, fee	50.00
April	1.	North and South Land Company, fee	50.00
April	1.	Brown Brothers Mercantile Company, fee	50.00
April	1.	Minneapolis Paving and Manufacturing Company, fee	50.00
April	1.	Sogar Drug Company, fee	75.00
April	1.	Duluth Crockery Company, fee	65.00
April	3.	Duluth Drug Company, fee	50.00
April	3.	Pike River Land Company, fee	325.00
April	3.	St. Paul Auditorium Company, fee	50.00
April	3.	Marshall Milling Company, fee	85.00
April	5.	Agriculturist, fee	50.00
April	5.	American Consolidated Mica Company, fee	325.00
April	6.	Great Falls Consolidated Land Company, fee	275.00
April	6.	Twin City Fruit Auction Company, fee	100.00
April	6.	Helegson Mercantile Company, fee	50 00
April	8.	Sibley County Bank, fee	50.00
April	8.	Equitable Exchange Company, fee	50.00
April	12.	Martin Heating Company, fee	50.00
April	12.	Duluth Building Association, fee	50.00
April	13.	National Investment Company, fee	50.00
April	14.	Minneapolis Coal and Coke Company, fee	75.00
April	14.	Capitol City Fuel Company, fee	75.00
April	15.	Northwestern Tailoring and Clothing Company, fee	50.00
April	15.	Duluth Mineral Land Investment Company, fee	75.00
April	17.	Minnesota Canal Company, fee	1,025.00
April	17.	Harbor View Land Company, fee	60.00
April	21.	Duluth, Rice Lake & Western Railway, fee	75.00
April	22.	American Progression Investment Company, fee	75.00
April	24.	Minneapolis Mill Wood Company, fee	50.00
April	25.	State Bank of Waverly, fee	50.00
April	26.	C. A. Smith Lumber Company, fee	400.00
April	26.	Little Falls Printing Company, fee	50.00
April	26.	Price-McGill Printing Company, increase	25.00
April	27.	United States Investment Company, fee	50.00
April	28.	New England Investment and Realty Company, fee	275.00
April	29.	Columbia Market Company, fee	50.00
April	25.	Univ. Credit Reporting Company, fee	50.00
May	1.	Water, Light and Power Company, fee	175.00
May	1.	Eden Prairie Mining Company, increase	1,000.00
May	1.	Flour City Realty Company, fee	75.00
May	2.	Faribault Opera House Company, fee	50.00
May	3.	Albert Lea Lumber and Stock Company, fee	50-00
May	3.	The Times Printing Company, fee	50.00
May	4.	Bears Ear and Boom Company, fee	50.00
May	4.	State Amusement Company, fee	50.00
May	5.	Brightwood Association, fee	50.00
May	5.	North American Bond Insurance Company, fee	50.00
May	6.	Columbia Heights Building Company, fee	75.00
May	8.	Geo. Dinwoodee Coal Company, fee	50.00
May	9.	National and Plant Rubber Company, fee	50.00
May	9.	Hyde Park Investment Company, fee	125.00
May	9.	Donaldson Elevator Company, fee	50.00
May	9.	Carter Car Brake Company, fee	50.00
May	10.	Security Land Company, fee	75.00
May	11.	Union Loan Company, fee	50.00
May	11.	Germania Bank of Minneapolis, fee	50.00
May	12.	Greatwestern Elevator Company (increase), fee	100 00
May	15.	Security Bank of Fairfax, fee	50 00
May	15.	Phœnix Livery and Sale Stable, fee	50.00
May	15.	Jackson County State Bank, fee	50.00
May	15.	Ransom Bros, fee	75 00
May	18.	State Elevator Company, fee	75.00
May	19.	Bank of Worthington, fee	50.00

May	20.	Minneapolis Air Brake Improvement Company, fee	275.00
May	22.	The J. J. Costella Hardware Company, fee	75.00
May	24.	Brainerd Mercantile Company, fee	50.00
May	26.	Garfield Farmers' Elevator Company, fee	50 00
May	27.	Henrietta Silver Mining Company, fee	155.00
May	31.	First State Bank of Leroy, fee	50 00
June	6.	Willmar Masonic Building Association, fee	50.00
June	8.	State Bank of Lester Prairie, fee	50.00
June	10.	State Bank of Morgan, fee	50.00
June	12.	Breen Stone Company, fee	50.00
June	20.	Northrup Braslan Goodwin Company, increase	85.00
June	21.	Hanson Mercantile Company, fee	50.00
June	24.	Pembina Farm Company, increase	10.00
June	27.	Swedish American Book Company, fee	50.00
June	27.	Albert Sea Electric Company, fee	50.00
June	27.	The Jacoby Mikolas Company, fee	50.00
June	28.	Connors Point Land Company, fee	100.00
June	28.	Minneapolis Medical and Surgical Institution, fee	90 00
June	29.	New York Mercantile Company, fee	50.00
June	7.	State Bank of Zumbrota, fee	50.00
July	1.	Bank of Hutchinson, increase	5.00
July	13.	Bank of Zumbrota, increase	15.00
July	13.	The Wildwood Company, fee	50.00
July	18.	The Harquholo Mining Company, fee	50.00
July	19.	St. Paul, Mpls. and Lake Superior Railroad Company, fee	525.00
July	19.	The Matt Walsh Wine Company, fee	65.00
July	19.	Mississippi Valley Assurance Company, fee	75.00
July	21.	American Bond Loan Company, fee	50.00
July	26.	St. Anthony Bank Co, fee	50.00
July	31.	Willow River Improvement Company, fee	50.00
July	31.	Irondale Land Company, fee	50.00
		Totals	$27.810

STATEMENT "G."

RECEIPTS FROM PRINCIPAL AND INTEREST ON SCHOOL DISTRICT BONDS.

COUNTIES.	Principal.	Interest.	Total.
Aitkin		$741.27	$741.27
Anoka	$1,228.00	519.85	1,747.85
Becker	1,685.00	582.06	2,267.06
Benton	320 00	55.46	375.46
Big Stone	793.44	383.62	1.177.06
Blue Earth	2,610.00	3,599.51	6,209.51
Brown	133.50	109.11	242.61
Carlton	925.00	483.96	1,408.96
Chippewa	506.00	326.91	831.91
Chisago	1,435.00	468.07	1,903.07
Clay		203.81	203.81
Cook	150.00	60.00	210.00
Cottonwood	930.00	549.71	1,479.71
Crow Wing	150 00	42.50	192.50
Dakota	825.00	232.86	1,057.86
Dodge	260.00	82.03	342.03
Douglas	1,185.00	193.08	1,378.08
Faribault	1,162.00	749.74	1,911.74
Fillmore	625.00	436.65	1,061.65
Freeborn	625.00	283.75	908.75
Goodhue	1,750.00	192.64	1,942.64
Grant	1,265.00	628.43	1.893.43
Hennepin	1,900.00	1,746.04	3.646.04
Hubbard	225.00	118.06	343.06
Isanti	979.00	197.90	1.176.90
Jackson	875.00	471.83	1,346.83
Kanabec	3,292.00	327.41	3,619.41
Kandiyohi	2,385.00	2,208.82	4,593.82
Kittson	1,621.00	363.88	1,984.88
Lake	2,000.00	825.00	2,825.00
Le Seur	2,610.00	790.49	3,400.49
Lincoln	300.00	103.30	403.30
Lyon	2,335.00	1,140.44	3,475 44
McLeod	200.00		200.00
Marshall	560 00	442.79	1,002.79
Martin	3,480.00	1,277.15	4,757.15
Meeker	1,505.00	666.72	2,171.72
Mille Lacs	1.124.00	1,704.95	2,828.95
Morrison	1,319.70	316.96	1,636.66
Mower	3,680.00	1,634.64	5,314.64
Murray	1,845.00	1.619.24	3,464.24
Nicollet	1,025.00	128.37	1,153.37
Nobles	1.490.00	998.90	2,488.90
Norman	2,556.50	741.85	3,298.35
Olmstead	200 00	10.00	210.00
Otter Tail	500.00	40.89	540.89
Pine	858.41	98.59	957.00
Pipestone	1,085.65	769.86	1,855.51
Polk	1,828.00	1,209.37	3,037.37
Pope	1,145 00	392.27	1,537.27
Ramsey	13,750.00	1,792.50	15,542.50
Redwood	956.00	462.09	1,418.09
Renville	2,478.50	931.61	3,410.11
Rice	805.00	147.52	952.52
Rock	624.50	348.24	972.74
St. Louis	5,030.00	2,104.60	7,134.60
Scott	150.00	7.81	157.81
Sherburne	251 00	15.75	266.75
Sibley	2,650.00	506 33	3.1 8 33
Stearns	2,665.00	789.07	3,454.07
Stevens	725.00	541.79	1,266.79
Swift	861.75	632.57	1,494.32
Todd	1,220.00	416.79	1,636 79
Traverse	607.00	1,013.10	1,620.10
Wadena	400.00	95.00	495.00
Waseca	300.00	40.00	340.00
Washington		65 00	65.00
Watonwan	825.00	126.84	951.84
Wilkin	480.00	729.06	1,209.06
Winona	1,437.50	383.61	1,821.11
Wright	1,192 00	277.00	1,469.00
Yellow Medicine	425.00	316.83	741.83
Totals	$99,319.45	$43,010.85	$142,330.30

STATEMENT "H."

RECEIVED FROM COUNTY TREASURERS FOR SCHOOL TEXT-BOOK FUND.

Anoka	$299.91	Nicollet	9.38
Becker	239.40	Norman	490 34
Carver	153.29	Otter Tail	1,179.30
Chisago	779.54	Pine	34.85
Clay	176.68	Polk	270.75
Crow Wing	132.75	Pope	494.26
Dakota	122.46	Renville	34.50
Grant	824 36	Rice	1.00
Houston	793.82	Rock	394.70
Isanti	336.94	Sibley	685.20
Jackson	509.97	Stevens	284.25
Kandiyohi	1,306.74	Todd	384.68
LeSueur	79.72	Wabasha	76.74
Lincoln	193.63	Wadena	375.12
Marshall	274.97	Washington	408.76
Martin	59.40	Winona	115.06
Mille Lacs	255 00		
Morrison	185.47	Total	$11,959.94

STATEMENT "I."

RECEIPTS INTO TREASURY FROM INSURANCE COMPANIES.

DATE OF PAYMENT.	From what source received.	No. draft.	Fees.	Taxes.	Total.
1892.					
August 31	C. H. Smith, Ins. Commissioner.	18,176	$334.00		$334.00
October 4	C. H. Smith, Ins. Commissioner.	18,238	272.00		272.00
October 31	C. H. Smith, Ins. Commissioner.	18,265	208.00		208.00
November 30.	C. H. Smith, Ins. Commissioner.	18,387	138.00		138.00
December 31.	C. H. Smith, Ins. Commissioner.	18,504	127.00		127.00
1893.					
February 1	C. H. Smith, Ins. Commissioner.	18,547	3,023.00		3,023 00
February 1	C. H. Smith, Ins. Commissioner.	18,546		$32,508.24	32,508.24
February 28.	C. H. Smith, Ins. Commissioner.	18,629		82,561.00	82,561.00
February 28.	C. H. Smith, Ins. Commissioner.	18,630	7,775.00		7,775.00
April 1	C. H. Smith, Ins. Commissioner.	18,837	2,492.00		2,492.00
April 1	C. H. Smith, Ins. Commissioner.	18,836		29,946.75	29,946.75
May 1	C. H. Smith, Ins, Commissioner.	18,927		4,965.78	4,965.78
May 1	C. H. Smith, Ins. Commissioner.	18,928	612.00		612 00
May 31	C. H. Smith, Ins. Commissioner.	19,016	406.00		406.00
July 1	C. H Smith, Ins. Commissioner.	20,355	374.00		374 00
July 29	C. H. Smith, Ins. Commissioner.	20,504	342 00		342.00
	Total		$16,103.00	$149,981.77	$166,084.77

TOTAL EXPENDITURES FROM AUGUST 1, 1892 TO JULY 31, 1993.

REVENUE FUND.

Cholera expenses, 1885	$1,297.18
Repairs Capitol roof, 1887	2,347.57
Second hospital insane, gymnasium, 1888	1,349.74
Second hospital insane, support 1888	2,816.98
Selecting swamp lands, 1885	2,075.25
Assessors fees, 1889	22.80
Grasshopper exterminat'n, 1889	528 27
Board of equalization, 1890	37.50
Board of equalization, 1891	62.50
Legislative expenses, 1891	10.30
Torren's system of land transfer, 1891	500 00
Columbian exposition, 1891	105,209.39
Publishing constitut'l amendments, 1891	1,692.00
Treasurer's vault room, 1891	70.90
University pharmacy, 1891	3,140.59
St. Cloud Normal school repairs 1891	794.70
St. Cloud normal school buildings, 1891	5,193.00
Library repairs 1891	35.15
University school of mines, 1891	4,110.00
First hospital insane, buildings and improvements, 1891	468.50
Second hospital insane fire escape, 1891	512.50
Third hospital insane, buildings 1891	570.05
Institute for defective buildings, 1891	2,063.75
Reformatory library, 1891	281.24
Reformatory tailor shop, 1891	125.00
Reformatory garden seed business, 1891	2,776.19
Reformatory building and machinery, 1891	895.23
Reformatory machinery and live stock, 1891	20.00
Reform school support, 1891	4,207.97
Publishing war records, 1891	4,722.71
Attorney general's stenographer, 1892	30.00
Secretary of state, 1892	291.74
Agent state public schools, 1892	157.07
Judge supreme court—Mitchell 1892	416.74
Judge 2nd district, Kerr, 1892	291.74
Judge 4th district, Lochren, 1892	583.35
Judge 4th district, Pond, 1892	291.67
Judge 5th district, Buckham, 1892	291.66
Judge 7th district, Searle, 1892	875.04
Board of health, 1892	208.37
Historical Society, 1892	321.13
University libraries, 1892	1,063.81
Geological survey, 1892	359 50
Geological survey, 1893	1,232 88
Referees fees, 1892	10.00
State costs, 1892	111.20
Reformatory support, 1892	696.16
Prison support, 1892	6,830.94
School for the deaf support, 1892	380.58
Second hospital insane, support, 1892	14,107.58
Third hospital insane support, 1892	4,218.24
First hospital insane repairs, 1892	12.17
School for the deaf repairs, 1892	507 26
Prison improvements, 1892	7.007.93
Capitol repairs, 1892	1.333.10
Prison tub and pail factory, 1892	5,230.98
Prison revolving fund, 1892	120,596.48
Prison twine plant, 1892	255.74
First hospital insane, buildings and improvements, 1892	1,618.52
First hospital insane buildings, 1892	6,481.45
Institute for defective build'gs, 1892	6,535.64
State public school buildings, 1892	2,447.88
University buildings, 1892	1,978.60
Second hospital insane buildings, 1892	750 00
State reformatory impr'vem'ts, 1892	13,003.65
Printing, advertising and binding, 1892	6,686 75
Rent of telephone, 1892	25.00
Register's and receiver's fees, 1892	7.10
Third regiment, 1892	573.91
Supreme court reports, 1892	850.00
History Minn., soldiers' second edition, 1892	233.30
Governor, 1893	4,583 26
Governor's private sec'y, 1893	1,625.00
Governor's clerk, 1893	1,800.00
Governor's stenographer, 1893	900.00
Governor's messenger, 1893	720.00
Auditor and land commissioner, 1893	3,600.00
Deputy auditor, 1893	2,500.00
Auditor's accountant, 1893	1,475.00
Auditor's extra clerks, 1893	1,125.00
Auditor's and land commissioner's clerks, 1893	3,257.50
Land clerk, 1893	1,500.00
Assistant land clerk, 1893	1,175.00
Adjutant General, 1893	1,499.96
Adjutant General's clerk, 1893	1,050.00
Adjutant gen'l's stenogr., 1892	66.73
Adjutant gen'l's stenogr., 1893	850.00
Attorney general, 1892	291.74
Attorney general, 1893	3,654.66
Assistant attorney general, 1892	166.73
Assistant attorney general, 1893	1,772.94
Attorney general's clerk, 1892	100.00
Attorney general's clerk, 1893	1,500.00
Attorney gen'l's stenogr., 1893	900 00
Insurance commissioner, 1893	2,500.00
Deputy Insurance com'r, 1893	1,500.00
Ins. com'er's extra clerk, 1892	91.75
Ins. com'er's extra clerk, 1893	995.00
Librarian, 1893	2,000.00
Military storekeeper, 1893	1,100.00
Public examiner, 1892	91.74
Public examiner, 1893	3,500 00
Deputy public examiner, 1893	1,800.00
Secretary of state, 1893	3,208.29
Ass't sec'y and statistican, 1893	2,.00.00
Secretary's clerk, 1893	1,435.00
Secretary's extra clerk, 1893	625.00
Recording clerk, 1893	999.99
Supt. public instruction, 1893	2,500.00
Asst. supt. pub. instruct'n, 1893	1,800.00
Public instruction clerks, 1893	1,548.50
Treasurer, 1893	3,916.60
Deputy treasurer, 1893	1,800.00
Treasurer's clerk, 1893	1,150 00
Engineer, 1893	1,500.00
Assistant engineer, 1893	300 00
Fireman and laborer, 1893	900.00
Janitor, 1893	1,200.00
Extra janitors, capitol, 1892	15 00
Extra janitors, capitol, 1893	2,300.50
Messenger, 1893	600 00
Clerk supreme court, 1893	1,375.00
Deputy cl'k supreme court, 1893	916.63
Janitor supreme court, 1893	900.00
Marshall supreme court, 1893	799.94
Reporter supreme court, 1892	75.30
Reporter supreme court, 1893	1,375.00
Agent state public schools, 1893	1,666.72
Judge supreme court—Vanderberg, 1893	4,999.94
Judge supreme court—Gilfillan, 1893	4,166.60

Judge supreme court—Mitchell, 1893.	5,000.00
Judge supreme court—Collins, 1893.....	4,583.27
Judge supreme court—Dickinson, 1892.....	416.66
Judge supreme court—Dickinson, 1893.....	3,740.95
Judge 1st district, Williston, 1892	291.72
Judge 1st district, Williston, 1893	3,208.26
Judge 1st district, Crosby, 1892.	291 74
Judge 1st district, Crosby, 1893.	3,208.26
Judge 2d district, Cornish, 1892.	593.12
Judge 2d district, Cornish, 1893.	3,198.62
Judge 2d district, Brill, 1892....	291.74
Judge 2d district, Brill, 1893....	3,208 26
Judge 2d district, Egan, 1892...	291.74
Judge 2d district, Egan, 1893...	3,208.26
Judge 2d district, Kelly, 1892...	291.74
Judge 2d district, Kelly, 1893...	3,208 26
Judge 2d district. Kerr, 1893....	3,208.26
Judge 2d district, Otis, 1892.....	291.74
Judge 2d district, Otis, 1893.....	3,208.26
Judge 3d district, Start, 1892....	291 74
Judge 3d district, Start, 1893....	3,208 26
Judge 4th district, Canty, 1892..	583.40
Judge 4th district, Canty, 1893.	3,208.26
Judge 4th district, Lochren, 1893	2,702.75
Judge 4th district, Pond, 1893...	3,208.33
Judge 4th district, Hicks, 1892..	291.74
Judge 4th district, Hicks, 1893..	3,208.26
Judge 4th district, Hooker, 1892	291.66
Judge 4th district, Hooker, 1893	2,208.34
Judge 4th district, Smith, 1892..	291.74
Judge 4th district, Smith, 1893..	2,916.60
Judge 5th district, Buckham, '93.	3,208.32
Judge 6th district, Severance, '92	291.74
Judge 6th district, Severance, '93	3,208 26
Judge 7th district, Searle, 1893..	3,208.28
Judge 7th district, Baxter, 1892.	291 74
Judge 7th district, Baxter, 1893.	3,208.26
Judge 8th district, Cadwell, 1892	291.74
Judge 8th district, Cadwell, 1893	3,208.26
Judge 9th district, Webber, 1892	291.74
Judge 9th district, Webber, 1893	3,208.28
Judge 10th district, Farmer, 1892	291.74
Judge 10th district, Farmer, 1893	3,198.54
Judge 11th district, Stearns, 1892	291.74
Judge 11th district, Stearns, 1893	3,208.27
Judge 11th district, Ensign, 1892	291.74
Judge 11th district, Ensign, 1893	3,208.26
Judge 12th district, Powers, 1892	291.74
Judge 12th district, Powers, 1893	3,208.26
Judge 13th district, Brown: 1892	291.74
Judge 13th district, Brown, 1893	3,208.26
Judge 14th district, Mills, 1892	301.46
Judge 14th district, Mills, 1893	2,906.88
Judge 15th district, Holland, 1892	291.74
Judge 15th district, Holland, 1893	3,208.26
Judge 16th district, Brown, 1892	291.74
Judge 16th district, Brown, 1893	2,916.61
Governor's contingent, 1893.....	3,693.45
Auditor's contingent, 1893.....	562.18
Library's contingent, 1893	300.00
Secretary's contingent, 1893....	1,003.25
Treasurer's contingent, 1893....	306.75
Attorney Gen.'s conting'nt, 1893	1,659.93
Public Examr's contingent, 1893	2,074.43
Public instruction cont'nt, 1893.	999.53
Ins. Com'r's contingent, 1893....	528.25
Com. Statistics, contingent, 1893	200.00
Adjutant Gen.'s conting'nt, 1893	530.69
Supreme Court contingent, 1893	517.75
Railroad and warehouse commission, 1893...	13,780.20
Dairy and food commission, 1893	16,234.89
Lunacy commission, 1893	300.00
Bureau labor statistics, 1893....	4,355.05
Board of health, 1893.....	4,944.71
Collecting vital statistics, 1893.	849.55
Cattle diseases, 1893	1,182.25
Board of equalization, 1893.....	1,962.88
Board of char. and correct's. 1893	5,808.70
Historical society, 1893.....	4,862.35
Horticultural society, 1893.....	1,000.00
State agricultual society, 1893..	4,000.00
South Minnesota fair ass'n, 1893	2,000.00
Co. agricultural societies, 1893..	12,000.00
Teachers' institute, 1893	7,000.00
High schools, 1893.....	30,358.93
Public school libraries, 1893....	5,419 57
County training schools, 1893 ..	11,900.00
University library, 1893.....	4,900.70
Geological survey, 1893	8,219.40
Law library, 1893	2,026.64
Binding law books, 1893.....	286.50
Referee's fees, 1893	240.00
State costs, 1893.....	127.45
Requisitions, 1893.....	591.67
Exchange of documents, 1893..	40.20
Public school support, 1893. ...	23,183.32
Winona normal school support, 1893.....	26,228.50
St. Cloud normal school support, 1893.....	22,813.54
Mankato normal school support, 1893..... . .	26,348.84
Moorhead normal school support, 1893	16,723.88
Soldiers' home support, 1893 ...	45.010.61
Reform school support, 1893....	49,033 67
Reformatory support, 1893	43.072.32
Prison support, 1893...	84.877.25
School for the deaf support, 1893	50,321.10
School for the blind sup'rt, 1893	18,367.42
School for the feeble minded support, 1893.....	57,695.42
First hospital insane support, 1893	170,886.70
Second hospital insane support, 1893.....	162,691.41
Third hospital insane support, 1892	64,210.85
First hospital insane repairs, 1893	2,955.06
Second hospital insane repairs, 1893	1,635.78
Tird hospital insane repairs, 1893	1,409.16
Sold5ers' home repairs, 1893	4.217.80
Public school repairs, 1893.....	433.35
Reform school repairs, 1893.....	726.45
Reformatory repairs, 1893.....	750.00
Prison repairs, 1893	517.02
School for the deaf repairs, 1893	1.278.12
School for the blind repairs, 1893	500.00
School for the feeble minded repair , 1893.....	1,089.04
Capitol repairs, 1893	
Third hospital insane buildings, 1893	82,137.19
Soldiers' home buildings, 1893..	41,846.31
Institution for defective buildings, 1893	19,944.70
Public school buildings, 1893...	7.753.97
University buildings, 1893	42,118.29
Printing, ad. and binding, 1893..	45,816.02
Printing paper, 1893..	10,414 06
Stationery, 1893	3,304.55
Selling state lands, 1892.....	908.84
Selling state lands, 1893.....	7,496.30
State institution insurance, 1893	8,365.75
Horse thief bounties, 1893.....	2,600.00
Wolf bounties, 1892.....	643.00
Wolf bounties 1893.....	15,000.00
Express and milege, 1893.....	641.96
Rent of telephone, 1893.....	75.00
Register and receivers fee, 1893	192.30
Fuel and lights, 1893.....	5,122.67
Sheriffs expenses, 1893.....	4,107.53
Burial soldiers and sailors, 1893	1,971.11
Tree planting, 1893.....	7.50
Minnesota National Guard, 1893	32,831 80
Third regiment, 1893.....	7,914.89
Farmers institutes, 1893.....	10,500.00
Supreme court reports, 1893....	1,727.50
History Minnesota soldiers.....	3,000.00
Game and fish commission, 1893	13,675.00
Electric light and ventilating system, 1893.....	614.50

Legislative expenses, 1893	142,101.71	Public school support, 1893	4,362.83
Legislative manual, 1893	1,000.00	Assistant librarian, 1893	675.00
Governors' contingent deficiency, 1893	1,912.50	Gettysburg monum't tablet, 1893	15,020.00
Columbian exposition, 1893	35,790 61	Geo. M Hillman, 1893	5,000.00
Seed grain loan, 1893	29,764.91	Treasurer's extra clerk, 1893	575 00
Repairs capitol additional, 1893	175.54	Bureau of labor, 1893	2,463.37
Publishing treasurer's report, 1893	2,949.00	Chickamauga and Chattanooga monument, 1893	85.00
Distributing war histories, 1893	333.93	Jeremiah Sullivan, 1893	1,000.00
Mrs. Margaret Vogle, 1893	1,500.00	Selecting swamp lands, 1893	2,089.46
Publishing laws in newspapers 1893	34,995.90	Land collection fees, 1893	15.56
Attorney generals contingent deficiency, 1893	372.27	Interest on rail road adjustm't bonds, 1893	1,568.23
St. Cloud normal school buildings deficiency, 1893	10,298.90	Mining taxes, 1893	5,817.75
St. Cloud normal school repairs deficiency, 1893	1,467.87	Fire companies, 1893	31,666.43
Reformatory library, 1893	30.00	Building association fees, 1893	40 00
Reformatory live stock and machinery, 1893	671.75	Public examiner's fees, 1893	860.00
Second Hospital Insane buildings, 1893	1,125.00	Interest on reform school loans 1893	4,500.00
Reform school improvements, 1893	2,406.83	Moorhead normal school furniture, 1893	190.00
Special Manufacturing Co., 1893	1,033.20	Examining St. Paul city offices, 1893	699.00
Wolf bounty deficiency, 1893	14,649.20	Defense coal combine, 1893	190.00
Itasca state park, 1893	1,326.48	Soldiers' home hospital, 1893	1,620.46
Binding law books, 1893	14.85	Judge 11th district, Willis, 1893	1,020.82
Paper for war records, 1893	5,630.21	Reformatory loan, 1893	25,000.00
Mary J. Finley, 1893	209.86	Interest on reformat'y loan, 1893	4,500.00
Secretary board of health deficiency, 1893	625.00	Capital lands Kandiyohi county 1893	3,339.33
		Judge 4th district, Russell, 1893	486.11
		Total	$2,374,775.98

SOLDIERS' RELIEF FUND.

Sundry warrants	$43,448.15

FORESTRY FUND.

Forestry association	$1,466.51
Sundry forestry bounties	17,171.53
	$18,638.04

REDEMPTION FUND.

Redemption of bond No. 1	$50,000.00
Interest on revenue and building bonds	16,000.00
	$66,000.00

FUNDING TAX FUND.

Interest on Minnesota funding bonds	$51,695.00

PERMANENT SCHOOL FUND.

Loans to counties and school districts	$168,078.00
School land refundments	135.25
School district bond refundm't	400.00
	$168,613.25

GENERAL SCHOOL FUND.

October 1892 and March 1893, apportionmen	$1,017,581.56
School land interest refundment	183.05
School district bond interestrefundment	218.85
Land collection fees to Co. treasurers	3,606.91
	$1,021,590.37

PERMANENT UNIVERSITY FUND.

University land refundments	$300.00

GENERAL UNIVERSITY FUND.

Support of state university	$189,234.87
Land collection fees to Co. treasurers	296.56
	$189,531.43

INTERNAL IMPROVEMENT LAND FUND.

Invested internal improvement land fund	$10,018.09

INTERNAL IMP. LAND FUND INTEREST.

Interest on railroad adjustment bonds	$1,272.98
Land collection fees to county treasurers	73.36
Total	$1,346.34

INTERNAL IMPROVEMENT FUND.

Cass Co. bridge, 1891	$215.97
Budd lake b'dge. Martin Co., 1891	300 00
Oronoco river b'dge. Olmsted Co., 1889	1,000.00
Yellow Medicine river bridge. Lyon Co., 1891	300.00
Le Sueur river bridge, Blue Earth Co., 1891	300.00
Des Moines river bridge, Jackson Co., 1891	800.00
Sand Hill river bridge, Polk Co., 1891	450.00
Rum river b'dge, Isanti Co., 1891	600.00
Mississippi river bridge, Wright Co., 1891	2,000.00
Prairie river bridge, Itasca Co., 1891	250.00
Slough creek bridge, Kandiyohi Co., 1891	200 00
Yellow Medicine river bridge, Yellow Medicine Co,, 1891	300.00
Stearns Co. road, 1891	174.00
Two rivers bridge, Morrison Co. 1891	400.00
Stearns Co. road. 1891	27.50
Freeborn Co. bridge, sec. 19, 1891	300.00
Cloquet river bridge, St. Louis Co., 1891	1.000.00
Minnesota river bridge. Blue Earth and Nicollet Cos., 1891	500.00
Wasson creek bridge, Nicollet Co., 1891	250.00
Mill pond slough b'dge, Kandiyohi Co., 1891	400.00
Lac qui Parle Co. bridge, Sec. 23, 1893	500.00
Lac qui Parle Co. bridge, town 117, range 43, 1893	500.00
St Louis River brdge, Carlton Co,. 1893	900.00
Vermillion River b'dge, Dakota Co., 1893	300 00
Rudd Lake bridge, Martin Co. 1893	500.00
Rock River bridge, Pipestone Co., 1893	400.00
Mud Creek Sibley and bridge Renville Co., 1893	250.00
Minnesota River bridge, Chippewa and Yellow Medicine Co., 1893	1,400.00
Wild Rice River bidge Norman Co., 1893	1,000.00
	$15,517.47

REFORM SCHOOL SALES AND BUILDINGS FUND.

Sundry warrants	$19,591.70

SCHOOL TEXT-BOOK FUND.

Sundry warrants	6,385.80

GRAIN INSPECTION FUND.

Grain inspection department	152,185.49
Duluth state elevator	13,745.00
	$165,930.4

STATE INSTITUTIONS LAND FUND.

State institu'ns land refundm't	25.00
Grand total	$4,153,407.11

ANNUAL REPORT

OF THE

STATE TREASURER

OF

MINNESOTA

FOR THE

FISCAL YEAR ENDING JULY 31, 1894.

ST. PAUL:
PIONEER PRESS,
1894.

STATE OF MINNESOTA,
TREASURER'S OFFICE.

ST. PAUL, August 1, 1894.

To His Excellency Knute Nelson, Governor of Minnesota;

SIR: I have the honor to transmit herewith the annual report of the transactions of this office for the fiscal year ending July 31, 1894.

Very Respectfully,
JOS. BOBLETER,
State Treasurer

ANNUAL REPORT

OF THE

STATE TREASURER OF MINNESOTA

FOR THE

Fiscal Year Ending July 31, 1894.

STATE OF MINNESOTA,
TREASURER'S OFFICE, St. Paul, Aug. 1, 1894.

To the Honorable Senate and House of Representatives:

Sir—In compliance with the law, I have the honor to herewith submit my annual report, showing the condition of the treasury at the end of the fiscal year, and the financial transactions of the state for the fiscal year beginning Aug. 1, 1893, and ending July 31, 1894.

The receipts were as follows:

Revenue fund	$2,547,760.51	
Soldiers' relief fund	66,206.82	
Forestry fund	66,206.82	
Redemption fund	66,206.82	
Funding tax fund	100,419.69	
Permanent school fund	540,348.18	
General school fund	1,015,616.22	
Permanent university fund	18,288.60	
General university fund	167,631.32	
Internal improvement fund	7,677.60	
Internal improvement land fund	13,810.89	
Internal improvement land fund, interest	359.92	
Reform school fund	11,790.93	
Swamp land fund	1,308.49	
State institutions fund	7,468.60	
School text-book fund	850.22	
Grain inspection fund	120,354.52	
		$4,752,306.15
From balance in treasury, August 1, 1893		2,534,038.79
		$7,286,344.94

The disbursements were as follows:

Revenue fund	$2,425,123.21	
Soldiers' relief fund	42,335.95	
Forestry fund	17,951.01	
Redemption fund	58,394.00	
Funding tax fund	59,727.50	
Permanent school fund	1,068,816.00	
General school fund	1,033,126.46	
Permanent university fund	80,000.00	
General university fund	232,338.28	
Internal improvement land fund, interest	45.30	
Internal improvement fund	3,978.50	
Reform school sales and buildings fund	6,300.00	
State institutions' fund	583.78	
Grain inspection fund	101,700.00	
		$5,190,419.99

Leaving balances in treasury, July 31, 1894, as follows:

Revenue fund	$1,098,461.19	
Soldiers' relief fund	3,870.91	
Forestry fund	19,833.49	
Redemption fund	40,134.60	
Funding tax fund	47,901.59	
Permanent school fund	114,878.95	
General school fund	593,899.99	
Permanent university fund	8,927.27	
General university fund	35,307.63	
Internal improvement fund	4,003.65	
Internal improvement land fund	19,182.22	
Internal improvement land fund interest	2,967.15	
School text-book fund	43,846.67	
State institutions fund	38,099.01	
Swamp land fund	6,743.81	
Reform school fund	4,517.22	
Grain inspection fund	13,349.60	
		$2,095,924.95

REVENUE FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$949,403.26	
From county treasurers, see Statement "A"	1,270,036.93	
From railroad taxes, see Statement "B"	817,633.39	
From miscellaneous sources, see Statement "E"	291,502.42	
From incorporation fees, see Statement "F"	12,215.00	
From insurance companies, see Statement "H"	156,372.77	
From transfer from soldiers' relief fund	72,247.63	
From transfer from forestry fund	50,000.00	
		$3,619,411.40

Disbursements.

Paid state auditor's warrants	$2,425,123.21	
Transferred to general school fund	28,301.00	
Transferred to general university fund	67,526.00	
Balance in treasury, July 31, 1894	1,098,461.19	
	$3,619,411.40	

SOLDIERS' RELIEF FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$52,247.67	
From county treasurers, see Statement "A"	66,206.82	
		$118,454.49

Disbursements.

Paid state auditor's warrants	$42,335.95	
Transferred to revenue fund	72,247.63	
Balance in treasury, July 31, 1894	3,870.91	
	$118,454.49	

FORESTRY FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$21,577.68	
From county treasurers, see Statement "A"	66,206.82	
		$87,784.50

Disbursements.

Paid state auditor's warrants	$17,951.01	
Transferred to revenue fund	50,000.00	
Balance in treasury, July 31, 1894	19,833.49	
	$87,784.50	

REDEMPTION FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$32,321.78	
From county treasurers, see Statement "A"	66,206.82	
		$98,528.60

Disbursements.

Paid state auditor's warrants	$58,394.00	
Balance in treasury, July 31, 1894	40,134.60	
	$98,528.60	

FUNDING TAX FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$7,209.40	
From county treasurers, see Statement "A"	100,419.69	
		$107,629.09

Disbursements.

Paid state auditor's warrants	$59,727.50	
Balance in treasury, July 31, 1894	47,901.59	
	$107,629.09	

PERMANENT SCHOOL FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$643,318.27	
From county treasurers, see Statement "A"	106,201.82	
From stumpage, see Statement "C"	194,009.13	
From mineral lands, see Statement "D"	85,256.27	
From miscellaneous sources, see Statement "E"	51,050.00	
From school district and county bonds, see Statement "G"	103,830.96	
From transfer general school fund	28.50	
		$1,183,694.95

Disbursements.

Paid state auditor's warrants	$1,068,816.00	
Balance in treasury, July 31, 1894	114,878.95	
	$1,183,694.95	

The permanent school fund now holds the following securities:

Minnesota funding bonds, 3 1-2 per cent	$159,000.00
Minnesota revenue bonds, 4 per cent	100,000.00
Minnesota building bonds, 4 per cent	150,000.00
Tennessee redemption bonds, 4 1-2 per cent	270,000.00
Tennessee settlement bonds, 3 per cent	2,560,000.00
Alabama "A" bonds, 5 per cent	184,000.00
Alabama "B" bonds, 5 per cent	14,000.00
Alabama funding bonds, 4 per cent	110,000.00
School district and county bonds, 5 per cent	1,027,739.72
	$4,574,739.72

GENERAL SCHOOL FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$583,137.73	
From county treasurers, see Statement "A"	889,202.17	
From stumpage interest, see Statement "C"	419.52	
From miscellaneous sources, see Statement "E"	82,069.96	
From school district and county bonds, see Statement "G"	43,924.57	
From transfer from revenue fund	28,301.00	
		$1,627,054.95

Disbursements.

Paid state auditor's warrants	$1,033,126.46	
Transferred to permanent school fund	28.50	
Balance in treasury, July 31, 1894	593,899.99	
	$1,627,054.95	

PERMANENT UNIVERSITY FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$70,638.67	
From county treasurers, see Statement "A"	6,391.75	
From stumpage, see Statement "C"	9,621.60	
From mineral lands, see Statement "D"	2,275.25	
		$88,927.27

Disbursements.

Paid state auditor's warrants	$80,000.00	
Balance in treasury, July 31, 1894	8,927.27	
	$88,927.27	

The permanent university fund now holds the following securities:

Minnesota funding bonds, 3 1-2 per cent	$300,000.00
Minnesota revenue bonds, 4 per cent	50,000.00
Tennessee settlement bonds, 3 per cent	90,000.00
Tennessee redemption bonds, 4 1-2 per cent	80,000.00
	$520,000.00

GENERAL UNIVERSITY FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$32,488.59	
From county treasurers, see Statement "A"	68,270.68	
From miscellaneous sources, see Statement "E"	99,360.64	
From transfer from revenue fund	67,526.00	
		$267,645.91

Disbursements.

Paid state auditor's warrants	$232,338.28	
Balance in treasury, July 31, 1894	35,307.63	
	$267,645.91	

INTERNAL IMPROVEMENT FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$304.55	
From miscellaneous sources, see Statement "E"	7,677.60	
		$7,982.15

Disbursements.

Paid state auditor's warrants	3,978.50	
Balance in treasury, July 31, 1894	4,003.65	
	$7,982.15	

INTERNAL IMPROVEMENT LAND FUND.

Receipts.

From balance in treasury, Aug. 1, 1893	$5,371.33	
From county treasurers, see Statement "A"	1,212.95	
From stumpage, see Statement "C"	12,497.94	
From mineral lands, see Statement "D"	100.00	
		$19,182.22

Disbursements.

Balance in treasury, July 31, 1894	$19,182.22	

INTERNAL IMPROVEMENT LAND FUND INTEREST.

Receipts.

From balance in treasury	$2,652.53	
From county treasurers, see Statement "A"	359.92	
		$3,012.45

Disbursements.

Paid state audtior's warrants	$45.30	
Balance in treasury, July 31, 1894	2,967.15	
	$3,012.45	

SCHOOL TEXT-BOOK FUND.

Receipts.

From balance in treasury Aug. 1, 1893.....	$42,996.45	
From miscellaneous sources, see Statement "E"...	850.22	
		$43,846.67

Disbursements.

Balance in treasury July 31, 1894.....	$43,846.67	

STATE INSTITUTIONS FUND.

Receipts.

From balance in treasury Aug. 1, 1893.....	$31,214.19	
From county treasurers, see Statement "A".....	2,022.52	
From stumpage, see Statement "C".....	3,646.08	
From mineral lands, see Statement "D".....	1,800.00	
		$38,682.79

Disbursements.

Paid state auditor's warrants.....	$583.78	
Balance in treasury July 31, 1894.....	38,099.01	
	$38,682.79	

SWAMP LAND FUND.

Receipts.

From balance in treasury Aug. 1, 1893.....	$5,435.32	
From stumpage, see Statement "C".....	1,308.49	
		$6,743.81

Disbursements.

Balance in treasury July 31, 1894.....	$6,743.81	

REFORM SCHOOL SALES AND BUILDINGS FUND.

Receipts.

From miscellaneous sources, see Statement "E".....		$11,790.93

Disbursements.

Paid overdraft Aug. 1, 1893.....	$973.71	
Paid state auditor's warrants.....	6,300.00	
Balance in treasury July 31, 1894.....	4,517.22	
	$11,790.93	

GRAIN INSPECTION FUND.

Receipts.

From balance in treasury Aug. 1, 1893.....	$54,695.08	
From miscellaneous sources, see Statement "E"...	$120,354.52	
		$175,049.60

Disbursements.

Paid state auditor's warrants.....	$161,700.00	
Balance in treasury July 31, 1894.....	13,349.60	
	$175,049.60	

GENERAL CONDITION OF THE TREASURY.

As is shown by the tabulated statements in this report, the state treasury is in a very healthy condition. During the past year the general revenue fund has grown to such proportions that, in my opinion, a reduction of two-tenths (2-10) of a mill in the tax levy for general revenue purposes can safely be made and still maintain the liberal appropriations for the various state departments, charitable and penal institutions, public buildings and improvements.

STATE DEBT.

The total amount of the funded debt of the state on Aug. 1, 1893, was as follows, viz.:

Minnesota funding bonds (1892) 3 1-2 per cent		$1,659,000.00
Minnesota revenue and building bonds (1889), 4 per cent		350,000.00
Total		$2,009,000.00
Deduct cash in sinking fund	$5,371.33	
Deduct cash in redemption fund	32,321.78	37,693.11
Actual state debt		$1,971,306.89

During the fiscal year of 1894 the bonded indebtedness of the state was reduced $50,000 by the redemption of revenue bond No. 2 (1889), which was paid from the redemption fund. The total state debt outstanding at the close of business July 31, 1894, is as follows, viz.:

Minnesota funding bonds (1892) 3 1-2 per cent		$1,659,000.00
Minnesota revenue and building bonds (1889), 4 per cent		300,000.00
Total		$1,959,000.00
Deduct cash in redemption fund	$40,134.60	
Deduct amount in sinking fund	26,682.22	66,816.82
Actual state debt		$1,892,183.18

The Minnesota revenue and building bonds (1889) were primarily issued to bridge over a temporary overdraft in the general revenue fund, and they can be redeemed at any time when in funds. In view of the large sum of money in the treasury belonging to the general revenue fund, I would recommend a direct appropriation of $250,000, or so much thereof as may be necessary for the redemption of these bonds. The repeal of the law providing for a tax levy of one-tenth (1-10) of a mill for redemption purposes could then follow, relieving the taxpayers to that extent.

SUMMARY OF INVESTED FUNDS.

KINDS OF SECURITIES.	Permanent Sch ol Fund.	Permanent University Fund.	Total.
Minnesota funding bonds, 3½ per cent	$150,000.00	$300,000.00	$450,000.00
Minnesota revenue bonds, 4 per cent	100,000.00	50,000.00	150,000.00
Minnesota building bonds, 4 per cent	150,000.00	.....	150,000.00
Tennessee redemption bonds, 4½ per cent	270,000.00	80,000.00	350,000.00
Tennessee settlement bonds, 3 per cent	2,560,000.00	90,000.00	2,650,000.00
Alabama "A" bonds, 4 and 5 per cent	184,000.00	.....	184,000.00
Alabama "B" bonds, 5 per cent	14,000.00	.....	14,000.00
Alabama funding bonds, 4 per cent	110,000.00	.....	110,000.00
School, district and county bonds, 5 per cent	1,027,739.72	.....	1,027,739.72
Total	$4,574,739.72	$520,000.00	$5,094,739.72

The investments of the permanent school fund during the fiscal year ending July 31, 1894, were as follows: Minnesota school district and county bonds, $196,758.43; Tennessee settlement bonds,

$250,000; Tennessee redemption bonds, $270,000; Alabama "A" bonds, $184,000; Alabama "B" bonds, $14,000; Alabama funding bonds, $110,000. There was also invested $80,000 of the permanent university fund in Tennessee redemption bonds. The school district and county bonds were purchased at par, and the Tennessee and Alabama bonds were purchased at rates yielding interest at from four and one-quarter (4¼) per cent to four and five-eighths (4⅝) per cent on the investments. This is considered very good, in view of the fact that the official report of the United States census commission for 1890 shows rapid reduction of public indebtedness, both national, state and municipal, and a decrease of interest charged from 1880 to 1890 of fifty (50) per cent.

The law under which the investments in Tennessee and Alabama bonds were made provides that the permanent school and university funds may be invested in United States bonds bearing not less than four (4) per cent interest, or in bonds of either of the following-named states, viz.: New York, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, Iowa, Missouri, Alabama, Tennessee or Georgia, bearing not less than three (3) per cent interest. In view of the fact that United States bonds cannot be purchased on a four (4) per cent basis, and in further view of the fact that but few of the aforementioned states have any bonds upon the market, the law should be amended so as to give the investment board discretionary powers to invest in the bonds of any state in the Union. In my opinion, the constitution could be safely amended so as to permit the investment of the permanent school and university funds in Minnesota county and municipal bonds, under proper restrictions. Under existing laws, the several counties in the state can borrow money from the permanent school fund for the construction of county buildings. I can see no good reason why county bonds issued for road and bridge purposes are not just as desirable, if the same restrictions apply. Also, if the investment in approved municipal bonds was permitted a better rate of interest could be obtained, and a very large percentage of the permanent funds would be retained within the borders of our own state.

INTEREST ON DEPOSITS.

The income from this source during the eight years of my incumbency of the office of state treasurer was as follows, the rate being three (3) per cent on daily balances:

For the fiscal year ending July 31, 1887	$9,426.46
For the fiscal year ending July 31, 1888	13,209.01
For the fiscal year ending July 31, 1889	18,947.59
For the fiscal year ending July 31, 1890	16,354.07
For the fiscal year ending July 31, 1891	26,497.31
For the fiscal year ending July 31, 1892	32,565.66
For the fiscal year ending July 31, 1893	56,708.31
For the fiscal year ending July 31, 1894	56,919.72
Total for the eight years	$230,628.13

No other state in the Union has such a large income from a similar source, and many states require the funds of the state to be kept in the treasurer's vault.

FORESTRY FUND TAX.

I would again recommend that section 6 of chapter 151, General Laws of 1881, which provides for a tax levy of one-tenth (1-10) of a mill upon all the taxable property of the state, called a forestry fund tax, be repealed. The amount collected on this tax for the fiscal year of 1894 was $66,519.64. The warrants drawn against this fund for the same period amounted to $16,988.24. The bounty to be paid in any one year to encourage timber culture is limited to $20,000, the surplus in the fund to be transferred to the general revenue fund. It will thus be seen that a surplus of $50,000 is now annually collected through this forestry fund tax, which is not needed by the revenue fund. In lieu of this tax levy the legislature should make a direct appropriation sufficient to protect all now entitled to receive the bounty and for all that may hereafter desire to avail themselves of the timber culture act. An appropriation of $20,000, or as much thereof as may be necessary, would be sufficient to meet all demands and would relieve the tax payers very materially.

SCHOOL TEXT-BOOK FUND.

Section 12, chapter 75, General Laws of 1877, appropriated from the revenue fund $50,000 to create a revolving fund to carry out the provisions of the school text-book law. This law has expired by limitation of time. The fund has in the treasury, cash $43,846.67, and unpaid drafts amounting to $4,092.01, against the following counties:

Blue Earth	$18.83	Lac qui Parle	$382.52
Dakota	276.72	Ramsey	305.88
Douglas	2,233.02	Scott	156.82
Faribault	629.47	Washington	88.75

The assets of the fund should be transferred to the revenue fund, and I recommend the passage of a law to that effect.

WOLF BOUNTIES.

Chapter 147 of the General Laws of 1893 repealed all other acts or parts of acts providing for the payment of bounties for killing wolves. This act took effect and went into force from and after its passage, and was approved April 1, 1893. The several county auditors were not officially informed of the passage and approval of the act until April 13, 1893. In the meantime large numbers of wolf scalps were presented to the auditors and they had issued orders upon the state treasurer for the payment of bounties as provided for by the acts which had been repealed. The county treasurers not being better informed than the auditors, paid the same, expecting to turn them into the state treasurer in their next settlement with the state. The attorney general deciding that the state treasurer could not redeem these orders, a corrective measure was introduced in the legislature during the last days of the session and passed both houses unanimously. Owing to a misapprehension of the facts, the measure did not receive the approval of the governor, and the treasurers of the following-named counties are now carrying orders as "cash on hand" in the amounts stated:

Anoka	$5.00	Murray	$60.00
Becker	40.00	Nicollet	5.00
Carver	10.00	Norman	10.00
Cottonwood	205.00	Pine	15.00
Fillmore	15.00	Pope	35.00
Goodhue	60.00	Rock	55.00
Houston	60.00	Sherburne	10.00
Itasca	110.00	Stearns	5.00
Kittson	90.00	Todd	5.00
Kandiyohi	10.00	Wright	30.00
Lyon	835.00	Yellow Medicine	55.00
Marshall	45.00		
Mille Lacs	5.00	Total	$1,785.00
Morrison	10.00		

An error having been made in framing the law so that it went into effect immediately after its passage, and without previous notice to the county auditors and treasurers, it is but just that an act be passed at the coming session of the legislature providing for the payment of these orders, thus relieving the county treasurers from personal loss, and I would so recommend.

BUILDING AND LOAN ASSOCIATIONS.

The amount of securities on deposit in this office by building and loan associations at this date is as follows:

Security Savings and Loan Association, Minneapolis	$924,742.00
Pioneer Savings and Loan Co., Minneapolis	373,101.00
American Savings and Loan Association, Minneapolis	547,483.28
Minnesota Saving Fund and Investment Co., Minneapolis	432,263.77
The Inter-State Building and Loan Association, Minneapolis	43,900.00
North Western Loan and Building Association, Minneapolis	114,650.00
Continental Savings Loan and Building Co., St. Paul	146,977.16
Northern Savings and Loan Association, Minneapolis	34,650.00
Total	$2,617,767.21

ACKNOWLEDGMENTS.

In transmitting to you this, my last report as state treasurer, I desire to embrace this opportunity to thank the people of this state for conferring upon me the great honor of four successive elections to the very responsible position of treasurer of this great commonwealth. The first six years of my official life were very pleasant, but none can know the terrible anxieties and constant worry that, with nearly $3,500,000 of state funds in the several state depositories, I experienced during the financial panic of 1893, and I sincerely hope that none of my successors will ever have to go through a similar experience.

To the other officers, both state and county, with whom my official relations have been of the most pleasant nature, I extend my heartfelt thanks for the uniform courtesy and good will they have always shown me.

I cannot leave the department after so long a period of service without saying, in behalf of my associates in the office, that I have found them faithful, industrious and efficient. Without such service the administration of the department would be a most difficult as well as a disagreeable task. With such a force of clerks, on whose honesty and fidelity and industry the treasurer must rely, the office, in ordinary times, is not an unpleasant one to administer. I do not hesitate to say that their service is by no means adequately paid in comparison with positions of much less responsibility and rank in other financial institutions. Very respectfully,

JOSEPH BOBLETER, *State Treasurer.*

RECAPITULATION OF RECEIPTS, EXPENDITURES, TRANSFERS AND BALANCES DURING THE FISCAL YEAR ENDING JULY 31, 1894.

FUND.	Balance in Treasury August 1, 1893.		Receipts From All Sources.	Transfers To—	Total Receipts From All Sources, Including Balances and Transfers.	Total Expenditures	Transfers. From—	Total Disbursements and Transfers.	Balance in Treasury July 31, 1894.	
	Dr.	Cr.							Dr.	Cr.
Revenue Fund		$949,403.26	$2,547,760.51	$122,247.63	$3,619,411.40	$2,425,123.21	$95,827.00	$2,520,950.21		$1,098,461.19
Soldiers' Relief Fund		52,247.67	66,206.82		118,454.49	42,335.95	72,247.63	114,583.58		3,870.91
Forestry Fund		21,577.68	66,206.82		87,784.50	17,951.01	50,000.00	67,951.01		19,833.49
Redemption Fund		32,321.78	66,206.82		98,528.60	58,394.00		58,394.00		40,134.60
Funding Tax Fund		7,209.40	100,419.69		107,629.09	59,727.50		59,727.50		47,901.59
Permanent School Fund		643,318.27	540,348.18	28.50	1,183,694.95	1,068,816.00		1,068,816.00		114,878.95
General School Fund		583,137.73	1,015,616.22	28,301.00	1,627,054.95	1,083,126.46	28.50	1,033,154.96		593,899.99
Permanent University Fund		70,638.67	18,288.60		88,927.27	80,000.00		80,000.00		8,927.27
General University Fund		32,488.59	167,631.32	67,526.00	267,645.91	232,338.28		232,338.28		35,307.63
Internal Improvement Fund		304.55	7,677.60		7,982.15	3,978.50		3,978.50		4,003.65
Internal Improvement Land Fund		5,371.33	13,810.89		19,182.22					19,182.22
Internal Improvement Land Fund Interest		2,652.53	359.92		3,012.45	45.30		45.30		2,967.15
School Text Book Fund		42,996.45	850.22		43,846.67					43,846.67
State Institutions Fund		31,214.19	7,468.60		38,682.79	583.78		583.78		38,099.01
Swamp Land Fund		5,435.32	1,308.49		6,743.81					6,743.81
Reform Schools Sales and Buildings Fund	$973.71		11,790.93		11,790.93	6,300.00		6,300.00		4,517.22
Grain Inspection Fund		54,695.08	120,354.52		175,049.60	161,700.00		161,700.00		13,349.60
	$973.71	$2,535,012.50	$4,752,806.15	$218,103.13	$7,505,421.78	$5,190,419.99	$218,103.13	$5,408,523.12		$2,095,924.95

Cash in the treasury held and deposited as follows:

Merchants National Bank, St. Paul	$244,515.91
Bank of Minnesota, St. Paul	211,891.89
National German-American Bank, St. Paul	65,229.01
Germania Bank, St. Paul	121,006.12
St. Paul National Bank, St. Paul	65,143.95
Scandinavian-American Bank, St. Paul	30,120.22
Union Bank, St. Paul	46,875.43
Seven Corners Bank, St. Paul	10,092.20
Commercial Bank, St. Paul	111,881.95
First National Bank, St. Paul	10,696.36
Bank of North St. Paul	8,774.80
Bank of Minneapolis	25,470.93
Security Bank of Minnesota, Minneapolis	43,667.65
State Bank, Minneapolis	75,445.76
Swedish-American Bank, Minneapolis	32,108.99
Northern Trust Company, Minneapolis	48,512.48
Washington Bank, Minneapolis	51,378.49
First National Bank, Minneapolis	56,255.29
Union National Bank, Minneapolis	47,349.40
Metropolitan Bank, Minneapolis	25,469.25
Columbia National Bank, Minneapolis	56,517.84
Bank of New England, Minneapolis	31,208.35
Irish-American Bank, Minneapolis	33,423.34
Farmers and Merchants State Bank, Minneapolis	28,219.98
State Bank, Duluth	33,270.50
Iron Exchange Bank, Duluth	8,013.68
Security Bank, Duluth	16,174.71
First National Bank, Little Falls	16,707.17
State Bank, Hector	4,907.42
St. Anthony Falls Bank, Minneapolis	10,812.53
Bank of Worthington	11,091.22
Merchants National Bank, St. Cloud	10,564.64
First National Bank, St. Cloud	10,635.49
Martin County Bank, Fairmont	15,000.00
Bank of Sleepy Eye	5,888.65
Yellow Medicine County Bank, Granite Falls	12,498.04
Bank of Willmar	17,715.84
Security Bank, Luverne	9,775.34
German-American National Bank, St. Cloud	3,495.89
Lac qui Parle County Bank, Madison	2,057.99
First National Bank, Breckenridge	8,427.86
Citizens State Bank, Kenyon	1,990.19
Citizens National Bank, Fergus Falls	11,277.34
Scandia Bank, Crookston	5,432.27
Citizens Bank, Appleton	7,932.00
First National Bank, Glencoe	3,283.47
Granite Falls Bank	9,286.46
Bank of Long Prairie	7,981.21
Brown County Bank, New Ulm	36,601.29
Meeker County Bank, Litchfield	5,459.91
State Bank, Jackson	3,427.36
Farmers National Bank, Owatonna	17,467.61
Renville County Bank, Bird Island	7,892.61
Bank of Litchfield	8,129.58
American Exchange Bank, Minneapolis	20,552.61
Bank of Ada	2,892.61
Pipestone County Bank, Pipestone	5,700.63
Scott County Bank, Jordan	3,910.47
Austin National Bank	10,065.61
Citizens Bank of Redwood Falls	6,385.11
First National Bank of Luverne	11,986.86
Citizens Bank of Princeton	2,108.15
First National Bank, Sauk Centre	3,459.23
First National Bank, Alexandria	3,019.47
The German-American Bank, Winona	10,969.21
Renville State Bank	2,026.87
Lyon County Bank, Marshall	5,532.46
State Bank of Anoka	2,257.20
Bank of Elbow Lake	5,000.00
First National Bank, Brainerd	4,021.30
Farmers State Bank, Madison	3,520.84
National Citizens Bank, Mankato	7,485.74
First National Bank, Mankato	7,460.00
First National Bank, Moorhead	12,705.48
Kandiyohi County Bank, Willmar	11,323.76
Second National Bank, Winona	6,975.04
Security Bank, Renville	5,150.00
Capital Bank, St. Paul	23,455.07
Citizens National Bank, Austin	9,142.72
German-American Bank, Minneapolis	10,753.24
Scandia Bank, Minneapolis	15,638.43
City Bank, Minneapolis	38,050.36
First National Bank, Morris	18,854.14
First National Bank, Detroit	3,711.47
Metropolitan Trust Company, Minneapolis	10,507.32
Citizens Bank, Waseca	6,330.19
Total	**$2,095,924.95**

STATEMENT OF RECEIPTS FROM COUNTY TREASURERS AND OTHER SOURCES.

From What Source Received.	Revenue.	Soldiers' Relief Fund.	Forestry.	Redemption. Fund.	Funding Tax Fund.	Permanent School Fund.	General School Fund.	Permanent University Fund.	General University Fund.	Internal Improvement Land Fund.	Internal Improvement L'nd Fund terest.	State Institutions Fund.	Total.
Aitkin County....	$1,143.64	$64.66	$64.66	$64.66	$120.62	$579.75	$899.21	.....	$85.38	.....	.....	1,536.49	$4,559.07
Anoka County....	4,833.49	266.83	266.83	266.83	474.31	1,555.37	3,821.70	.....	312.60	.....	.....	.....	11,797.96
Becker County....	2,958.13	161.34	161.34	161.34	279.73	512.00	2,710.78	.....	177.41	.....	.....	.....	7,122.07
Beltrami County..	849.18	49.51	49.51	49.51	97.62	.....	494.80	.....	70.89	.....	.....	.....	1,661.02
Benton County...	1,997.71	107.97	107.97	107.97	183.51	1,341.33	2,767.79	.....	113.66	.....	.....	.....	6,727.91
Big Stone Co.....	3,232.01	144.29	144.29	144.29	230.06	193.56	3,327.73	.....	129.55	.....	.....	.....	7,545.78
Blue Earth Co....	16,477.82	950.84	950.84	950.84	1,839.01	264.25	11,863.69	.....	1,811.10	.....	.....	.....	35,108.39
Brown County....	7,491.72	430.34	430.34	430.34	825.65	1,388.00	6,528.28	$204.00	910.33	.....	.....	.....	18,689.00
Carlton County...	3,687.33	209.90	209.90	209.90	396.12	1,088.30	3,306.54	.....	279.82	.....	.....	.....	9,387.81
Carver County....	6,798.40	388.40	388.40	388.40	737.84	.....	4,393.95	.....	524.77	.....	.....	.....	13,620.16
Cass County.....	4,219.31	245.76	245.76	245.76	483.40	353.80	2,501.77	.....	356.27	.....	.....	.....	8,651.83
Chippewa County.	4,288.48	235.17	235.17	235.17	412.36	.....	7,472.04	.....	284.97	.....	.....	.....	13,163.31
Chisago County...	3,691.57	205.66	205.66	205.66	372.55	1,159.00	3,942.98	.....	250.40	.....	.....	.....	10,033.48
Clay County.....	5,625.28	304.69	304.69	304.69	520.42	602.00	8,429.26	.....	691.59	.....	.....	.....	16,782.62
Cook County.....	999.66	54.03	54.03	54.03	91.97	.....	541.69	.....	56.91	.....	.....	.....	1,852.32
Cottonwood Co....	4,983.24	280.17	280.17	280.17	516.39	1,887.00	11,084.56	.....	354.33	.....	.....	.....	19,866.06
Crow Wing Co....	3,334.85	182.77	182.77	182.77	320.04	297.00	2,077.46	.....	205.76	.....	.....	.....	6,783.42
Dakota County....	15,366.89	860.75	860.75	860.75	1,574.88	1,878.50	9,623.50	.....	1,073.68	.....	.....	.....	32,099.20
Dodge County....	6,982.29	402.65	402.65	402.65	777.99	.....	4,457.80	.....	625.72	.....	.....	.....	14,051.75
Douglas County...	5,499.10	306.49	306.49	306.49	555.31	1,027.36	7,684.24	.....	373.23	.....	.....	.....	16,058.71
Faribault County.	10,501.00	589.74	589.74	589.74	1,084.50	728.88	9,946.34	.....	1,486.34	.....	.....	.....	25,516.28
Fillmore County..	15,182.60	877.91	877.91	877.91	1,704.32	1,020.00	10,774.45	.....	1,239.93	.....	.....	.....	32,555.03
Freeborn County..	10,178.81	586.76	586.76	586.76	1,133.16	598.00	9,279.47	620.00	2,572.69	.....	.....	.....	26,141.91
Goodhue County..	17,741.66	1,029.95	1,029.95	1,029.95	2,013.57	12.50	10,955.99	.....	1,475.00	.....	.....	.....	35,288.57
Grant County.....	2,969.75	159.69	159.69	159.69	268.52	633.53	4,074.64	.....	163.26	.....	.....	.....	8,588.77
Hennepin County.	281,411.48	14,104.33	14,104.33	14,104.33	16,152.80	590.00	135,213.44	.....	2,887.52	.....	.....	.....	478,568.23
Houston County...	6,159.33	355.65	355.65	355.65	688.75	725.00	4,440.80	.....	500.81	.....	.....	.....	13,581.64
Hubbard County..	1,324.02	71.00	71.00	71.00	128.71	3.70	1,024.45	.....	88.20	.....	.....	.....	2,782.08
Isanti County.....	1,845.00	102.70	102.70	102.70	185.71	3,340.70	2,462.98	.....	124.55	.....	.....	.....	8,267.04
Itasca County....	754.29	38.95	38.95	38.95	59.54	32.00	417.34	.....	30.90	.....	.....	.....	1,410.92
Jackson County...	2,521.72	131.14	131.14	131.14	203.89	2,710.00	7,289.20	.....	109.13	.....	.....	.....	13,227.36
Kanabec County..	845.35	47.71	47.71	47.71	88.67	1,500.31	800.87	.....	87.61	.....	.....	.....	3,474.94
Kandiyohi..	8,032.24	381.69	381.69	381.69	688.80	1,428.52	9,352.06	.....	845.45	$30.00	$16.30	.....	21,538.44
Kittson County...	3,151.06	162.82	162.82	162.82	249.12	.....	2,844.82	.....	129.74	.....	.....	.....	6,863.20
Lac qui Parle Co..	9,136.10	404.89	404.89	404.89	644.46	595.00	6,264.25	.....	359.96	.....	.....	104.91	18,819.35
Lake County.....	2,401.02	133.38	133.38	133.38	238.17	.....	1,341.67	.....	156.94	.....	.....	.....	4,537.94
Le Sueur County..	7,488.20	428.47	428.47	428.47	826.17	1,008.75	5,970.21	.....	597.09	.....	.....	.....	17,125.83
Lincoln County....	3,315.28	174.99	174.99	174.99	281.97	590.00	4,496.06	.....	161.17	.....	.....	.....	9,369.45
Lyon County.....	6,253.28	340.45	340.45	340.45	587.88	760.00	7,863.19	.....	685.08	.....	.....	.....	17,170.78
McLeod County...	7,873.74	449.27	449.27	449.27	851.41	463.00	6,151.60	1,411.00	1,928.77	.....	.....	.....	20,027.42
Marshall County..	5,075.55	169.96	169.96	169.96	279.71	478.50	2,880.01	.....	164.67	.....	.....	.....	9,865.32
Martin County....	7,539.82	412.61	412.61	412.61	735.59	4,274.00	16,895.28	.....	485.08	.....	.....	.....	31,167.60
Meeker County...	6,232.50	341.60	341.60	341.60	598.27	1,674.00	9,009.54	2,161.59	2,486.63	.....	.....	12.75	23,200.08
Mille Lacs Co....	2,018.56	112.33	112.33	112.33	203.02	.....	1,846.24	.....	127.75	.....	.....	.....	4,532.54

Morrison County..	4,419.95	241.45	241.45	241.45	419.91	1,822.75	5,088.96	.....	363.93	150.00	36.65	.....	13,026.50
Mower County....	11,247.92	640.96	640.96	640.96	1,211.71	595.00	9,815.57	.....	1,212.36	.....	.....	.....	26,005.44
Murray County...	5,298.69	285.24	285.24	285.24	480.64	7,069.40	11,916.27	.....	1,141.52	.....	.....	100.04	26,882.28
Nicollet County..	7,009.28	409.99	409.99	409.99	812.16	170.00	5,527.31	37.35	1,117.60	.....	.....	.....	15,903.67
Nobles County....	12,239.31	625.31	625.31	625.31	928.98	2,480.00	14,108.66	.....	455.51	.....	.....	.....	32,068.89
Norman County...	2,445.89	125.40	125.40	125.40	188.18	436.00	3,511.68	60.00	340.14	107.00	30.50	.....	7,495.09
Olmsted County..	14,062.77	815.45	815.45	815.45	1,591.03	227.88	10,755.12	.....	1,163.50	.....	.....	.....	30,246.65
Otter Tail Co.....	4,831.84	249.55	249.55	249.55	381.24	2,438.82	6,374.83	.....	214.90	535.95	43.35	.....	15,569.58
Pine County.....	3,198.51	169.87	169.87	169.87	277.70	1,196.00	2,343.66	.....	161.77	.....	.....	.....	7,687.25
Pipestone County.	1,706.02	88.67	88.67	88.67	137.66	170.00	1,663.26	.....	73.50	.....	.....	.....	4,016.45
Polk County.....	14,051.92	604.78	604.78	604.78	768.77	2,040.58	12,713.39	.....	245.99	.....	.....	77.10	31,712.09
Pope County.....	1,895.98	97.40	97.40	97.40	146.84	906.00	7,040.22	.....	248.32	.....	.....	.....	10,529.56
Ramsey County...	411,902.81	21,227.48	21,227.48	21,227.48	31,247.95	.....	212,594.00	.....	15,030.45	.....	.....	.....	734,457.65
Redwood County..	7,351.18	407.15	407.15	407.15	728.45	18,529.75	17,535.07	.....	508.17	.....	.....	.....	45,874.07
Renville County..	7,503.11	412.64	412.64	412.64	727.74	11,540.93	26,759.45	.....	1,541.88	.....	.....	.....	49,811.03
Rice County.....	11,922.60	685.91	685.91	685.91	1,319.48	627.80	7,676.01	.....	950.70	.....	.....	.....	24,554.32
Rock County.....	5,591.26	310.44	310.44	310.44	558.24	3,261.00	7,150.10	.....	371.92	.....	.....	.....	17,883.84
St. Louis Co.....	91,811.85	4,303.30	4,303.30	4,303.30	4,871.55	150.05	43,242.76	.....	852.38	.....	.....	124.10	153,962.59
Scott County.....	10,760.11	561.68	561.68	561.68	881.14	320.00	6,089.21	.....	479.12	.....	.....	.....	20,164.62
Sherburne Co.....	2,236.16	123.05	123.05	123.05	217.36	622.00	2,576.26	147.25	302.06	.....	.....	.....	6,470.24
Sibley County....	6,915.36	396.28	396.28	396.28	756.92	644.50	7,908.28	.....	2,165.38	.....	.....	45.48	19,624.76
Stearns County...	4,911.67	265.08	265.08	265.08	449.70	1,725.00	3,981.29	.....	796.98	.....	.....	.....	12,659.78
Steele County....	8,278.65	480.71	480.71	480.71	940.19	.....	6,100.70	.....	1,042.87	.....	.....	.....	17,804.54
Stevens County...	3,936.62	176.67	176.67	176.67	285.57	.....	4,417.07	.....	173.87	.....	.....	.....	9,343.14
Swift County.....	4,137.91	226.04	226.04	226.04	393.13	536.00	6,151.48	.....	251.20	.....	.....	.....	12,147.84
Todd County.....	3,788.53	204.76	204.76	204.76	348.08	14.00	6,277.20	20.00	702.38	.....	.....	.....	11,764.47
Traverse County..	2,549.76	121.82	121.82	121.82	201.60	.....	3,631.10	.....	119.57	.....	.....	.....	6,867.49
Wabasha County.	8,631.20	498.69	498.69	498.69	966.77	786.00	5,384.56	.....	701.68	.....	.....	.....	17,966.28
Wadena County...	1,844.41	101.25	101.25	101.25	181.59	93.65	1,417.73	.....	121.04	.....	.....	.....	3,962.17
Waseca County...	6,526.71	374.36	374.36	374.36	716.28	.....	5,047.72	.....	1,022.59	.....	.....	.....	14,436.88
Washington Co...	17,283.32	984.64	984.64	984.64	1,870.50	399.50	10,678.56	.....	1,329.07	.....	.....	.....	34,464.87
Watonwan Co....	5,159.07	291.46	291.46	291.46	542.13	6,303.00	7,506.84	1,290.00	1,429.88	.....	.....	.....	23,105.30
Wilkin County....	3,614.71	160.88	160.88	160.88	266.68	60.00	5,019.92	.....	631.75	390.00	233.12	12.10	10,710.92
Winona County...	20,689.38	1,202.55	1,202.55	1,202.55	2,355.97	1,630.00	13,084.84	.....	1,729.62	.....	.....	.....	43,097.46
Wright County...	9,026.86	501.38	501.38	501.38	902.23	616.00	6,424.53	440.56	1,297.49	.....	.....	9.55	20,221.36
Yellow Med. Co...	6,962.70	374.37	374.37	374.37	689.13	1,461.60	11,704.80	.....	896.97	.....	.....	.....	22,288.81
Totals.....	$1,270,086.98	$66,206.82	$66,206.82	$66,206.82	$100,419.69	$106,201.82	$889,202.17	$6,891.75	$68,270.68	$1,212.95	$859.92	$2,022.52	$2,642,788.89

SUMMARIZED STATEMENT OF RECEIPTS FROM COUNTY

From What Source Received.	Revenue Fund.	Soldiers' Relief Fund.	Forestry Fund.	Redemption Fund.	Funding Tax Fund.	Permanent School Fund.	General School Fund.	Permanent University Fund.
Total stat. "A"	$1,270,036.93	$66,206.82	$66,206.82	$66,206.82	$100,419.69	$106,201.82	$889,202.17	$6,891.75
Total stat. "B"	817,633.39	.....	.....	.....	.....	.....	.....	.....
Total stat. "C"	.....	.....	.....	.....	.....	194,009.13	419.52	9,621.60
Total stat. "D"	.....	.....	.....	.....	.....	85,256.27	.....	2,275.25
Total stat. "E"	291,502.42	.....	.....	.....	.....	51,050.00	82,069.96	.....
Total stat. "F"	12,215.00	.....	.....	.....	.....	.....	.....	.....
Total stat. "G"	.....	.....	.....	.....	.....	103,830.96	43,924.57	.....
Total stat. "H"	156,372.77	.....	.....	.....	.....	.....	.....	.....
Grand totals..	$2,547,760.51	$66,206.82	$66,206.82	$66,206.82	$100,419.69	$540,348.18	$1,015,616.22	$18,288.60

TREASURERS AND ALL OTHER SOURCES.

General University Fund.	Internal Improvement Fund.	Internal Improvement Land Fund.	Int'r'l Imp've-ment Land Fund Interest	Reform School Fund.	Swamp Land. Fund.	State Institutions. Fund.	School Text Book Fund.	Grain Inspection. Fund.	TOTAL.
$68,270.68	.....	$1,212.95	$359.92	.....	.....	$2,022.52	.....	.....	$2,642,738.89
.....	.....	.....	.....	.....	.....	.....	.....	.....	817,033.39
.....	.....	12,497.94	.....	.....	$1,308.49	3,646.08	.....	.....	221,502.76
.....	.....	100.00	.....	.....	.....	1,800.00	.....	.....	89,431.52
99,360.64	$7,677.60	.....	.....	$11,790.93	.....	.....	$850.22	$120,354.52	664,056.29
.....	.....	.....	.....	.....	.....	.....	.....	.....	12,215.00
.....	.....	.....	.....	.....	.....	.....	.....	.....	147,755.53
.....	.....	.....	.....	.....	.....	.....	.....	.....	156,372.77
167,631.32	**$7,677.60**	**$13,810.89**	**$359.92**	**$11,790.93**	**$1,308.49**	**$7,468.60**	**$850.22**	**$120,354.52**	**$4,752,306.15**

STATEMENT "A."

Showing in detail the receipts into the treasury from August 1, 1893, to July 31, 1894, the close of the fiscal year, from county treasurers upon state auditor's drafts.

AITKIN COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Aug. 26, 1893..	20,578	.....	.....	.....	.....	.....	$30.00	$7.82	.....	.....	.....	.....	.....	$234.47
Nov. 27, 1893..	20,758	.....	.....	.....	.....	.....	.....	41.53	.....	.....	.....	.....	$196.65	56.63
Nov. 27, 1893..	20,761	$108.24	$4.91	$4.91	$4.91	$4.91	.....	52.52	.....	.....	.....	.....	15.10	180.40
Jan. 6, 1894..	20,863	.....	.....	.....	.....	.....	549.75	84.16	.....	.....	.....	.....	.....	1,772.50
Apr. 4, 1894..	21,118	.....	.....	.....	.....	.....	.....	9.18	.....	.....	.....	.....	1,138.59	9.18
Apr. 4, 1894..	21,121	171.86	9.75	9.75	9.75	18.34	.....	96.12	.....	$14.48	.....	.....	.....	330.05
June 8, 1894..	21,382	.....	.....	.....	.....	.....	.....	34.00	.....	.....	.....	.....	.....	34.00
July 23, 1894..	22,874	863.54	50.00	50.00	50.00	97.37	.....	501.18	.....	70.90	.....	.....	.....	1,682.99
July 28, 1894..	22,872	.....	.....	.....	.....	.....	.....	72.70	.....	.....	.....	.....	186.15	258.85
		$1,143.64	$64.66	$64.66	$64.66	$120.62	$579.75	$899.21	.....	$85.38	.....	.....	$1,536.49	$4,559.07

ANOKA COUNTY.

Oct. 8, 1893..	20,611	.....	.....	.....	.....	.....	$680.00	$98.39	.....	.....	.....	.....	.....	$778.39
Nov. 28, 1893..	20,757	.....	.....	.....	.....	.....	.....	160.98	.....	.....	.....	.....	.....	160.98
Nov. 28, 1893..	20,762	$577.28	$20.29	$26.23	$26.23	$26.23	.....	236.39	.....	.....	.....	.....	.....	918.57
Apr. 4, 1894..	21,071	1,408.59	77.07	77.07	77.07	184.48	.....	776.85	.....	$86.12	.....	.....	.....	2,637.25
Apr. 4, 1894..	21,069	.....	.....	.....	.....	.....	.....	32.96	.....	.....	.....	.....	.....	32.96
July 11, 1894..	22,778	.....	.....	.....	.....	.....	50.00	683.01	.....	.....	.....	.....	.....	733.01
July 11, 1894..	22,784	2,847.64	163.53	163.53	163.53	313.60	.....	1,647.33	.....	226.48	.....	.....	.....	5,525.64
July 26, 1894..	22,821	.....	.....	.....	.....	.....	825.37	185.79	.....	.....	.....	.....	.....	1,011.16
		$4,833.49	$266.83	$266.83	$266.83	$474.31	$1,555.37	$3,821.70	.....	$312.60	.....	.....	.....	$11,797.96

BECKER COUNTY.

Aug. 10, 1893..	20,508	.....	.....	.....	.....	.....	$512.00	$45.53	.....	.....	.....	.....	.....	$557.53
Dec. 7, 1893..	20,799	.....	.....	.....	.....	.....	.....	338.35	.....	.....	.....	.....	.....	338.35
Dec. 7, 1893..	20,689	$127.35	$5.78	$5.78	$5.78	$5.78	.....	57.17	.....	.....	.....	.....	.....	207.64
Apr. 2, 1894..	21,095	1,258.93	66.74	66.74	66.74	108.67	.....	672.95	.....	$62.91	.....	.....	.....	2,303.68
Apr. 2, 1894..	21,096	.....	.....	.....	.....	.....	.....	362.83	.....	.....	.....	.....	.....	362.83
July 7, 1894..	22,815	1,571.85	88.82	88.82	88.82	165.28	.....	889.52	.....	114.50	.....	.....	.....	3,007.61
July 7, 1894..	22,810	.....	.....	.....	.....	.....	.....	344.43	.....	.....	.....	.....	.....	344.43
		$2,958.13	$161.34	$161.34	$161.34	$279.73	$512.00	$2,710.78	.....	$177.41	.....	.....	.....	$7,122.07

BELTRAMI COUNTY.

Dec. 9, 1893..	20,699	$17.97	$0.81	$0.81	$0.81	$0.8[illegible]	.....	$8.22	.....	.....	.....	.....	.....	$29.43
Apr. 27, 1893..	21,176	39.55	2.14	2.14	2.14	3.6[illegible]	.....	21.98	.....	$2.84	.....	.....	.....	73.98
July 28, 1893..	22,891	791.66	46.56	46.56	46.56	93.[illegible]	.....	464.60	.....	68.55	.....	.....	.....	1,557.61
		$849.18	$49.51	$49.51	$49.51	$97.6[illegible]	.....	$494.80	.....	$70.89	.....	.....	.....	$1,661.02

BENTON COUNTY.

Sept. 21, 1893..	20,613	.....	.....	.....	.....	.....	$335.33	$81.68	.....	.....	.....	.....	.....	$417.01
Dec. 6, 1893..	20,774	$240.71	$10.94	$10.94	$10.94	$10.94	.....	117.37	.....	.....	.....	.....	.....	401.84
Dec. 6, 1893..	20,795	.....	.....	.....	.....	.....	.....	502.97	.....	.....	.....	.....	.....	502.97
Apr. 7, 1893..	21,140	.....	.....	.....	.....	.....	170.00	276.59	.....	.....	.....	.....	.....	446.59
Apr. 7, 1893..	21,142	581.09	30.20	30.20	30.20	46.91	.....	304.08	.....	$25.08	.....	.....	.....	1,047.76
July 11, 1893..	22,811	.....	.....	.....	.....	.....	680.00	705.73	.....	.....	.....	.....	.....	1,385.73
July 11, 1893..	22,819	1,175.91	66.83	66.83	66.83	125.66	.....	672.72	.....	88.58	.....	.....	.....	2,263.36
July 11, 1893..	21,361	.....	.....	.....	.....	.....	156.00	46.65	.....	.....	.....	.....	.....	202.65
		$1,997.71	$107.97	$107.97	$107.97	$183.51	$1,341.33	$2,767.79	.....	$113.66	.....	.....	.....	$6,727.91

BIG STONE COUNTY.

Nov. 24, 1893..	20,692	$309.91	$13.31	$13.31	$13.31	$13.31	.....	$140.64	.....	.....	.....	.....	.....	$503.79
Nov. 24, 1893..	20,702	.....	.....	.....	.....	.....	.....	95.33	.....	.....	.....	.....	.....	95.33
Nov. 24, 1893..	20,686	59.60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	59.60
Mar. 24, 1894..	21,021	49.17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	49.17
Mar. 24, 1894..	21,074	239.30	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	239.30
Mar. 24, 1894..	21,020	1,272.23	64.36	64.36	64.36	95.33	.....	550.70	.....	$46.46	.....	.....	.....	2,257.80
Mar. 24, 1894..	21,011	.....	.....	.....	.....	.....	.....	154.61	.....	.....	.....	.....	.....	154.61
June 16, 1894..	22,602	.....	.....	.....	.....	.....	$193.56	1,610.19	.....	.....	.....	.....	.....	1,803.75
June 16, 1894..	22,604	18.42	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18.42
June 16, 1894..	22,605	91.58	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	91.58
June 16, 1894..	22,603	1,191.80	66.62	66.62	66.62	121.42	.....	$676.26	.....	33.09	.....	.....	.....	2,272.43
		$3,223.01	$144.29	$144.29	$144.29	$230.06	$193.56	$3,227.73	.....	$129.55	.....	.....	.....	$7,345.78

STATEMENT "A"—*Continued.*

BLUE EARTH COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Dec. 4, 1893..	20,775	$374.69	$17.03	$17.03	$17.03	$17.03	.....	$178.43	.....	.....	.....	.....	.....	$616.24
Dec. 4, 1893..	20,770	.....	.....	.....	.....	.....	.....	206.35	.....	$51.5[illegible]	.....	.....	.....	317.88
Apr. 12, 1894..	18,851	.....	.....	.....	.....	.....	.....	91.47	.....	3.7[illegible]	.....	.....	.....	95.25
Apr. 9, 1894..	21,088	3,982.84	222.97	222.97	222.97	411.50	.....	2,231.21	.....	282.[illegible]	.....	.....	.....	7,557.26
Apr. 9, 1894..	21,087	.....	.....	.....	.....	.....	.....	75.28	.....	62.98	.....	.....	.....	138.26
July 26, 1894..	22,893	.....	.....	.....	.....	.....	$264.25	1,914.99	.....	360.24	.....	.....	.....	2,539.48
July 26, 1894..	22,894	12,140.20	710.84	710.84	710.84	1,410.48	.....	7,110.96	.....	1,049.77	.....	.....	.....	23,844.02
		$16,477.82	$950.84	$950.84	$950.84	$1,839.01	$264.25	$11,863.69	.....	$1,811.10	.....	.....	.....	$35,108.89

BROWN COUNTY.

Nov. 23, 1893..	20,771	.....	.....	.....	.....	.....	.....	$37.58	.....	$19.14	.....	.....	.....	$56.72
Nov. 23, 1893..	21,055	$245.29	$11.14	$11.14	$11.14	$11.14	.....	79.78	.....	.....	.....	.....	.....	369.63
Mar. 21, 1894..	20,772	.....	.....	.....	.....	.....	$130.00	78.24	.....	45.90	.....	.....	.....	254.14
Mar. 21, 1894..	21,053	1,787.94	100.27	100.27	100.27	183.93	.....	1,002.70	.....	125.50	.....	.....	.....	3,400.88
July 21, 1894..	22,850	5,458.49	318.93	318.93	318.93	630.58	.....	3,189.96	.....	466.99	.....	.....	.....	10,702.81
July 21, 1894..	22,849	.....	.....	.....	.....	.....	1,258.00	2,140.02	$204.00	252.80	.....	.....	.....	3,854.82
		$7,491.72	$430.34	$430.34	$430.34	$825.65	$1,388.00	$6,528.28	$204.00	$910.33	.....	.....	.....	$18,039.00

CARLTON COUNTY.

Oct. 3, 1893..	20,631	.....	.....	.....	.....	.....	$56.30	.....	.....	.....	.....	.....	.....	$56.30
Dec. 12, 1893..	20,816	.....	.....	.....	.....	.....	170.00	.....	.....	.....	.....	.....	.....	170.00
Dec. 12, 1893..	20,820	$86.90	$3.94	$3.94	$3.94	$3.94	.....	$42.00	.....	.....	.....	.....	.....	144.66
May 1, 1894..	21,237	.....	.....	.....	.....	.....	.....	88.23	.....	.....	.....	.....	.....	88.23
May 1, 1894..	21,181	1,342.49	75.26	75.26	75.26	137.94	.....	753.39	.....	$94.03	.....	.....	.....	2,553.63
June 12, 1894..	21,374	.....	.....	.....	.....	.....	692.00	200.54	.....	.....	.....	.....	.....	892.54
July 28, 1894..	22,917	.....	.....	.....	.....	.....	170.00	966.25	.....	.....	.....	.....	.....	1,136.25
July 28, 1894..	22,918	2,257.94	130.70	130.70	130.70	254.24	.....	1,306.13	.....	185.79	.....	.....	.....	4,396.20
		$3,687.33	$209.90	$209.90	$209.90	$396.12	$1,088.30	$3,306.54	.....	$279.82	.....	.....	.....	$9,387.81

CARVER COUNTY.

Nov. 28, 1893..	20,701							$32.05						$32.05
Nov. 23, 1893..	20,670	$214.79	$9.76	$9.76	$9.76	$9.76		99.23						353.06
Mar. 19, 1894..	21,033	2,210.19	123.76	123.76	123.76	226.85		1,239.02		$153.90				4,200.74
June 27, 1894..	22,769							473.30						473.30
June 27, 1894..	22,773	4,373.42	254.88	254.88	254.88	501.73		2,560.35		370.87				8,501.01
		$6,798.40	$388.40	$388.40	$388.40	$737.84		$4,393.95		$524.77				$13,620.16

CASS COUNTY.

Dec. 21, 1893..	20,849						$143.80							$143.80
Dec. 6, 1893..	20,783	$72.81	$3.30	$3.30	$3.30	$3.30		$37.25						123.26
Dec. 6, 1893..	20,779							23.66						23.66
Jan. 20, 1894..	20,889						210.00							210.00
Apr. 4, 1894..	21,120	282.01	15.80	15.80	15.80	28.97		160.83		$19.77				538.98
July 5, 1894..	22,831	3,864.49	226.66	226.66	226.66	451.13		2,271.53		336.50				7,603.63
July 5, 1894..	22,828							8.50						8.50
		$4,219.31	$245.76	$245.76	$245.76	$483.40	$353.80	$2,501.77		$356.27				$8,651.83

CHIPPEWA COUNTY.

Dec. 12, 1893..	20,817							$777.65		$8.92				$786.57
Dec. 12, 1893..	20,693	$251.43	$11.42	$11.42	$11.42	$11.42		110.51						407.62
Apr. 4, 1894..	21,002	1,595.33	84.58	84.58	84.58	137.73		846.41		79.83				2,913.04
Apr. 4, 1894..	21,001							1,043.76						1,043.76
May 29, 1894..	21,348							28.00						28.00
June 27, 1894..	22,729							3,266.27		8.50				3,274.77
June 27, 1894..	22,731	2,441.67	139.17	139.17	139.17	263.21		1,397.44		187.72				4,707.55
		$4,288.43	$235.17	$235.17	$235.17	$412.36		$7,472.04		$284.97				$13,163.31

CHISAGO COUNTY.

Nov. 13, 1893..	20,659							$253.01						$253.01
Nov. 13, 1893..	20,668	$524.77	$23.85	$23.85	$23.85	$23.85		89.14						709.31
Mar. 12, 1894..	21,004						$100.00	240.96						340.96
Mar. 12, 1894..	21,008	1,358.49	77.31	77.31	77.31	145.80		775.61		$102.74				2,614.57
June 6, 1894..	21,365						719.00	204.19						923.19
June 14, 1894..	21,393	1,808.31	104.50	104.50	104.50	202.90		1,045.65		147.66				3,518.02
June 14, 1894..	21,392						$40.00	1,234.42						1,674.42
		$3,691.57	$205.66	$205.66	$205.66	$372.55	$1,159.00	$3,942.98		$350.40				$10,033.48

STATEMENT "A"—*Continued.*

CLAY COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Aug. 26, 1893..	20,579	.....	.....	.....	.....	.....	$602.00	$172.64	.....	.....	.....	.....	.....	$774.64
Dec. 5, 1893..	20,806	.....	.....	.....	.....	.....	.....	314.28	.....	.....	.....	.....	.....	314.28
Dec. 5, 1893..	20,807	$439.05	$19.95	$19.95	$19.95	$19.95	.....	205.75	.....	.....	.....	.....	.....	724.60
Mar. 19, 1894..	21,035	.....	.....	.....	.....	.....	.....	1,786.78	.....	.....	.....	.....	.....	1,786.78
Apr. 27, 1894..	21,179	2,374.76	125.27	125.27	125.27	201.56	.....	1,263.47	.....	$114.44	.....	.....	.....	4,330.04
July 21, 1894..	22,895	.....	.....	.....	.....	.....	.....	3,135.63	.....	368.48	.....	.....	.....	3,504.11
July 21, 1894..	22,896	2,811.47	159.47	159.47	159.47	298.91	.....	1,600.71	.....	208.67	.....	.....	.....	5,398.17
		$5,625.28	$304.69	$304.69	$304.69	$520.42	$602.00	$8,429.26	.....	$691.59	.....	.....	.....	$16,782.62

COOK COUNTY.

Jan. 9, 1894..	20,851	$40.36	$1.83	$1.83	$1.83	$1.83	.....	$19.91	.....	.....	.....	.....	.....	$67.59
Apr. 23, 1894..	21,182	97.27	4.41	4.41	4.41	4.41	.....	45.59	.....	.....	.....	.....	.....	160.50
July 5, 1894..	22,830	676.27	38.80	38.80	38.80	74.29	.....	386.28	.....	$53.13	.....	.....	.....	1,306.37
July 5, 1894..	22,829	185.76	8.99	8.99	8.99	11.44	.....	89.91	.....	3.78	.....	.....	.....	317.86
		$999.66	$54.03	$54.03	$54.03	$91.97	.....	$541.69	.....	$56.91	.....	.....	.....	$1,852.32

COTTONWOOD COUNTY.

Aug. 2, 1893..	20,489	.....	.....	.....	.....	.....	$1,717.00	$2,739.94	.....	.....	.....	.....	.....	$4,456.94
Dec. 9, 1893..	20,815	.....	.....	.....	.....	.....	.....	1,125.11	.....	.....	.....	.....	.....	1,125.11
Dec. 9, 1893..	20,673	$173.15	$7.86	$7.86	$7.86	$7.86	.....	104.25	.....	.....	.....	.....	.....	308.84
Apr. 4, 1894..	21,127	.....	.....	.....	.....	.....	.....	1,454.90	.....	.....	.....	.....	.....	1,454.90
Apr. 4, 1894..	21,128	1,600.98	86.65	86.65	86.65	147.76	.....	867.92	.....	$01.67	.....	.....	.....	2,968.28
June 28, 1894..	22,786	3,209.11	185.66	185.66	185.66	360.77	.....	1,866.85	.....	262.66	.....	.....	.....	6,256.40
June 28, 1894..	22,785	.....	.....	.....	.....	.....	170.00	2,925.56	.....	.....	.....	.....	.....	3,095.56
		$4,983.24	$280.17	$280.17	$280.17	$516.39	$1,887.00	$11,084.56	.....	$354.33	.....	.....	.....	$19,666.08

CROW WING COUNTY.

Dec. 6, 1893..	20,782	$525.20	$28.87	$28.87	$28.87	$28.87	.....	$252.76	.....	.....	.....	.....	.....	$873.44
Dec. 6, 1893..	20,778	.....	.....	.....	.....	.....	.....	74.58	.....	.....	.....	.....	.....	74.58
Apr. 4, 1894..	21,119	871.71	48.28	48.28	48.28	86.59	.....	487.55	.....	$57.41	.....	.....	.....	1,647.90
Apr. 4, 1894..	21,113	.....	.....	.....	.....	.....	$297.00	6.28	.....	.....	.....	.....	.....	303.28
July 5, 1894..	22,832	1,937.94	110.62	110.62	110.62	209.78	.....	1,115.49	.....	148.35	.....	.....	.....	3,743.41
July 5, 1894..	22,827	.....	.....	.....	.....	.....	.....	140.81	.....	.....	.....	.....	.....	140.81
		$3,334.85	$182.77	$182.77	$182.77	$320.04	$297.00	$2,077.46	.....	$205.76	.....	.....	.....	$6,783.42

DAKOTA COUNTY.

Aug. 11, 1893..	20,546	.....	.....	.....	.....	.....	$442.00	.....	.....	.....	.....	.....	.....	$442.00
Nov. 21, 1893..	20,740	.....	.....	.....	.....	.....	.....	$44.84	.....	.....	.....	.....	.....	44.84
Nov. 23, 1893.	20,741	$1,564.63	$71.11	$71.11	$71.11	$71.11	.....	552.23	.....	.....	.....	.....	.....	2,401.30
Apr. 10, 1894..	21,150	.....	.....	.....	.....	.....	.....	80.29	.....	.....	.....	.....	.....	80.29
April 10, 1894	21,351	3,665.68	202.12	202.12	202.12	358.35	.....	2,037.03	.....	$234.85	.....	.....	.....	6,901.77
May 31, 1894..	21,151	.....	.....	.....	.....	.....	.....	50.98	.....	.....	.....	.....	.....	50.98
July 24, 1894..	22,903	.....	.....	.....	.....	.....	1,436.50	964.00	.....	.....	.....	.....	.....	2,401.10
July 24, 1894..	22,905	10,136.08	587.52	587.52	587.52	1,145.42	.....	5,893.53	.....	830.33	.....	.....	.....	19,776.92
		$15,366.39	$860.75	$860.75	$860.75	$1,574.88	$1,878.50	$9,623.50	.....	$1,073.68	.....	.....	.....	$32,009.20

DODGE COUNTY.

Dec. 14, 1893..	20,700	$190.52	$8.65	$8.65	$8.65	$8.65	.....	$82.36	.....	.....	.....	.....	.....	$307.48
Mar. 24, 1894..	21,057	.....	.....	.....	.....	.....	.....	27.08	.....	.....	.....	.....	.....	27.08
Mar. 24, 1894..	21,058	2,004.63	115.00	115.00	115.00	220.09	.....	1,151.12	.....	$157.57	.....	.....	.....	3,878.41
June 23, 1894..	22,775	4,787.14	279.00	279.00	279.00	549.25	.....	2,795.74	.....	406.67	.....	.....	.....	9,375.80
June 23, 1894..	22,771	.....	.....	.....	.....	.....	.....	401.55	.....	61.44	.....	.....	.....	463.08
		$6,982.29	$402.65	$402.65	$402.65	$777.99	.....	$4,457.80	.....	$625.72	.....	.....	.....	$14,051.75

DOUGLAS COUNTY.

Dec. 7, 1893..	20,814	.....	.....	.....	.....	.....	$380.00	$610.95	.....	.....	.....	.....	.....	$1,290.95
Dec. 7, 1893..	20,819	$156.18	$7.09	$7.09	$7.09	$7.09	.....	71.23	.....	.....	.....	.....	.....	255.77
Apr. 10, 1893..	21,153	.....	.....	.....	.....	.....	257.36	1,164.19	.....	.....	.....	.....	.....	1,421.55
Apr. 10, 1893..	21,157	2,277.41	124.18	124.18	124.18	215.10	.....	1,242.79	.....	$138.40	.....	.....	.....	4,244.24
June 28, 1893..	22,745	.....	.....	.....	.....	.....	90.60	2,843.17	.....	.....	.....	.....	.....	2,933.17
June 28, 1893..	22,747	3,065.51	175.22	175.22	175.22	333.12	.....	1,751.91	.....	236.83	.....	.....	.....	5,913.03
		$5,499.10	$306.49	$306.49	$306.49	$555.31	$1,027.36	$7,684.24	.....	$375.23	.....	.....	.....	$16,058.71

STATEMENT "A"—*Continued.*

FARIBAULT COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Dec. 18, 1893..	20,831	.....	.....	.....	.....	.....	$29.38	$351.28	.....	$113.11	.....	.....	.....	$493.77
Dec. 18, 1893..	20,834	$637.84	$28.99	$28.99	$28.99	$28.99	.....	804.65	.....	.....	.....	.....	.....	1,058.45
Apr. 16, 1894..	21,037	.....	.....	.....	.....	.....	179.50	.....	.....	.....	.....	.....	.....	179.50
Apr. 16, 1894..	21,178	3,059.08	166.07	166.07	166.07	285.01	.....	1,669.66	.....	178.88	.....	.....	.....	5,690.84
Apr. 16, 1894..	21,184	.....	.....	.....	.....	.....	448.00	589.09	.....	18.40	.....	.....	.....	1,055.49
July 23, 1894..	22,902	6,804.08	394.68	394.68	394.68	770.50	.....	3,948.74	.....	563.07	.....	.....	.....	13,270.43
July 23, 1894..	22,900	.....	.....	.....	.....	.....	72.00	3,082.92	.....	612.88	.....	.....	.....	3,767.80
		$10,501.00	$589.74	$589.74	$589.74	$1,084.50	$728.88	$9,946.34	.....	$1,486.34	.....	.....	.....	$25,516.28

FILLMORE COUNTY.

Nov. 25, 1893..	20,744	$465.33	$21.14	$21.14	$21.14	$21.14	.....	$258.78	.....	.....	.....	.....	.....	$808.67
Nov. 25, 1893..	20,742	.....	.....	.....	.....	.....	.....	64.39	.....	.....	.....	.....	.....	64.39
Apr. 13, 1894..	21,170	.....	.....	.....	.....	.....	$680.00	193.10	.....	.....	.....	.....	.....	873.10
Apr. 13, 1894..	21,173	5,333.92	307.98	307.98	307.98	596.37	.....	3,081.71	.....	$432.58	.....	.....	.....	10,368.52
June 11, 1894..	22,859	9,383.35	548.79	548.79	548.79	1,086.81	.....	5,489.19	.....	807.35	.....	.....	.....	18,413.07
July 10, 1894..	22,857	.....	.....	.....	.....	.....	340.00	1,687.28	.....	.....	.....	.....	.....	2,027.28
		$15,182.60	$877.91	$877.91	$877.91	$1,704.32	$1,020.00	$10,774.45	.....	$1,239.93	.....	.....	.....	$32,555.03

FREEBORN COUNTY.

Nov. 22, 1893..	20,720	.....	.....	.....	.....	.....	.....	$703.66	$340.00	$298.41	.....	.....	.....	$1,342.07
Nov. 22, 1893..	20,715	.....	.....	.....	.....	.....	$90.00	15.90	93.00	16.40	.....	.....	.....	215.30
Nov. 22, 1893..	20,705	$307.55	$13.92	$13.92	$13.92	$13.92	.....	136.35	.....	.....	.....	.....	.....	499.58
Apr. 13, 1894..	21,168	.....	.....	.....	.....	.....	308.00	441.12	.....	226.48	.....	.....	.....	975.60
Apr. 13, 1894..	21,169	2,489.30	141.26	141.26	141.26	264.98	.....	1,461.83	.....	192.54	.....	.....	.....	4,832.43
June 27, 1894..	22,724	7,581.46	431.58	431.58	431.58	854.26	.....	4,316.05	.....	634.00	.....	.....	.....	14,480.51
June 27, 1894..	22,723	.....	.....	.....	.....	.....	200.00	2,204.56	187.00	1,201.86	.....	.....	.....	3,793.42
		$10,178.31	$586.76	$586.76	$586.76	$1,133.16	$598.00	$9,279.47	$620.00	$2,572.69	.....	.....	.....	$26,141.91

GOODHUE COUNTY.

Nov. 13, 1893..	20,662	$306.68	$13.93	$13.93	$13.93	$13.93	.....	$137.46	.....	.....	.....	.....	.....	$499.86
Nov. 13, 1893..	20,653	.....	.....	.....	.....	.....	.....	36.49	.....	.....	.....	.....	.....	36.49
Mar. 24, 1894..	21,061	.....	.....	.....	.....	.....	.....	89.14	.....	.....	.....	.....	.....	89.14
Mar. 24, 1894..	21,065	5,397.67	312.56	312.56	312.56	608.35	.....	3,120.80	.....	$443.28	.....	.....	.....	10,507.78
June 25, 1894..	22,741	12,037.31	703.46	703.46	703.46	1,391.29	.....	7,034.62	.....	1,081.72	.....	.....	.....	23,605.32
June 25, 1894..	22,733	.....	.....	.....	.....	.....	$12.50	537.48	.....	.....	.....	.....	.....	549.98
		$17,741.66	$1,029.95	$1,029.95	$1,029.95	$2,013.57	$12.50	$10,955.99	.....	$1,475.00	.....	.....	.....	$35,288.57

GRANT COUNTY.

Nov. 27, 1893..	20,748	.....	.....	.....	.....	.....	$628.00	$311.69	.....	.....	.....	.....	.....	$939.69
Nov. 27, 1893..	20,750	$196.49	$8.92	$8.92	$8.92	$8.92	.....	92.47	.....	.....	.....	.....	.....	324.64
Mar. 26, 1894..	21,080	.....	.....	.....	.....	.....	.....	664.53	.....	.....	.....	.....	.....	664.53
Mar. 26, 1894..	21,082	1,424.67	74.94	74.94	74.94	119.79	.....	753.67	.....	$67.28	.....	.....	.....	2,590.23
May 2, 1894..	21,252	.....	.....	.....	.....	.....	5.53	.....	.....	.....	.....	.....	.....	5.53
July 7, 1894..	22,802	.....	.....	.....	.....	.....	.....	1,489.20	.....	.....	.....	.....	.....	1,489.20
July 7, 1894..	22,803	1,348.59	75.83	75.83	75.83	139.81	.....	763.08	.....	95.98	.....	.....	.....	2,574.95
		$2,969.75	$159.69	$159.69	$159.69	$268.52	$633.53	$4,074.64	.....	$163.26	.....	.....	.....	$8,588.77

HENNEPIN COUNTY.

Aug. 3, 1893..	20,513	.....	.....	.....	.....	.....	$250.00	$894.66	.....	.....	.....	.....	.....	$1,144.66
Aug. 3, 1893..	20,511	220,774.62	$10,882.56	$10,882.56	$10,882.56	$10,882.56	.....	102,989.74	.....	.....	.....	.....	.....	367,294.60
Nov. 28, 1893..	20,738	.....	.....	.....	.....	.....	340.00	88.87	.....	.....	.....	.....	.....	428.87
Nov. 28, 1893..	20,739	8,709.90	395.90	395.90	395.90	395.90	.....	27,091.33	.....	$2,887.52	.....	.....	.....	14,312.83
Apr. 5, 1894..	21,141	.....	.....	.....	.....	.....	.....	4,019.33	.....	.....	.....	.....	.....	129.51
Apr. 5, 1894..	21,143	51,926.96	2,825.87	2,825.87	2,825.87	4,874.34	.....	129.51	.....	.....	.....	.....	.....	95,257.76
		281,411.48	$14,104.33	$14,104.33	$14,104.33	$16,152.80	$590.00	135,213.44	.....	$2,887.52	.....	.....	.....	478,568.23

HOUSTON COUNTY.

Nov. 14, 1893..	20,652	.....	.....	.....	.....	.....	.....	$29.27	.....	.....	.....	.....	.....	$29.27
Nov. 14, 1893..	20,660	$185.06	$8.41	$8.41	$8.41	$8.41	.....	73.80	.....	.....	.....	.....	.....	292.00
Mar. 30, 1894..	21,086	.....	.....	.....	.....	.....	.....	39.00	.....	.....	.....	.....	.....	39.00
Mar. 30, 1894..	21,089	2,299.10	133.08	133.08	133.08	258.86	.....	1,331.29	.....	$188.69	.....	.....	.....	4,477.18
July 10, 1894..	22,856	3,675.17	214.16	214.16	214.16	421.48	.....	2,150.92	.....	312.12	.....	.....	.....	7,202.17
July 10, 1894..	22,855	.....	.....	.....	.....	.....	$725.00	$4,440.80	.....	$500.81	.....	.....	.....	1,542.02
		$6,159.33	$355.65	$355.65	$355.65	$688.75	$355.65	$355.65	$355.65	$688.75	.....	.....	.....	$13,581.64

STATEMENT "A"—*Continued.*

HUBBARD COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Nov. 29, 1893..	20,751	.....	.....	.....	.....	.....	.....	$88.76	.....	.....	.....	.....	.....	$88.76
Nov. 29, 1893..	20,752	$68.28	$3.10	$3.10	$3.10	$3.10	.....	31.90	.....	.....	.....	.....	.....	112.68
Mar. 24, 1894..	21,023	.....	.....	.....	.....	.....	.....	108.61	.....	.....	.....	.....	.....	108.61
Mar. 27, 1894..	21,108	.....	.....	.....	.....	.....	$3.70	18.30	.....	.....	.....	.....	.....	22.00
Mar. 24, 1894..	21,025	356.05	17.35	17.35	17.35	26.54	.....	175.75	.....	$13.81	.....	.....	.....	604.20
July 3, 1894..	22,812	.....	.....	.....	.....	.....	.....	87.95	.....	.....	.....	.....	.....	87.95
July 3, 1894..	22,816	369.69	50.55	50.55	50.55	99.07	.....	513.13	.....	74.39	.....	.....	.....	1,707.93
July 3, 1894..	22,817	50.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50.00
		$1,324.02	$71.00	$71.00	$71.00	$128.71	$3.70	$1,024.45	.....	$88.20	.....	.....	.....	$2,782.08

ISANTI COUNTY.

Nov. 27, 1893..	20,723	.....	.....	.....	.....	.....	$170.00	$57.23	.....	.....	.....	.....	.....	$227.23
Nov. 27, 1893..	20,698	$142.79	$6.48	$6.48	$6.48	$6.48	.....	62.62	.....	.....	.....	.....	.....	231.33
Mar. 26, 1894..	21,067	.....	.....	.....	.....	.....	203.00	113.46	.....	.....	.....	.....	.....	316.46
Mar. 26, 1894..	21,068	761.25	41.90	41.90	41.90	74.03	.....	419.34	.....	$48.20	.....	.....	.....	1,428.52
June 15, 1894..	21,377	.....	.....	.....	.....	.....	2,922.70	611.36	.....	.....	.....	.....	.....	3,534.06
June 21, 1894..	22,749	940.96	54.32	54.32	54.32	105.20	.....	544.57	.....	76.35	.....	.....	.....	1,830.04
June 21, 1894..	22,744	.....	.....	.....	.....	.....	45.00	654.40	.....	.....	.....	.....	.....	699.40
		$1,845.00	$102.70	$102.70	$102.70	$185.71	$3,340.70	$2,662.98	.....	$124.55	.....	.....	.....	$8,267.04

ITASCA COUNTY.

Dec. 12, 1893..	20,675	$79.21	$3.60	$3.60	$3.60	$3.60	.....	$38.27	.....	.....	.....	.....	.....	$131.88
Apr. 2, 1894..	21,059	675.08	35.35	35.35	35.35	55.94	.....	355.27	.....	$30.90	.....	.....	.....	1,223.24
May 23, 1894..	21,320	.....	.....	.....	.....	.....	.....	23.80	.....	.....	.....	.....	.....	23.80
May 23, 1894..	21,344	.....	.....	.....	.....	.....	32.00	.....	.....	.....	.....	.....	.....	32.00
		$754.29	$38.95	$38.95	$38.95	$59.54	$32.00	$417.34	.....	$30.90	.....	.....	.....	$1,410.92

JACKSON COUNTY.

Dec. 18, 1893..	20,826	$377.46	$17.15	$17.15	$17.15	$17.15	.....	$178.97	.....	.....	.....	.....	.....	$620.03
Dec. 18, 1893..	20,824	.....	.....	.....	.....	.....	$1,564.00	1,763.26	.....	.....	.....	.....	.....	3,327.26
Apr. 19, 1894..	21,185	.....	.....	.....	.....	.....	1,146.00	4,210.60	.....	.....	.....	.....	.....	5,356.60
Apr. 19, 1894..	21,175	2,144.26	113.99	113.99	113.99	186.74	.....	1,141.37	.....	$109.13	.....	.....	.....	3,923.47
		$2,521.72	$131.14	$131.14	$131.14	$203.89	$2,710.00	$7,289.20	.....	$109.13	.....	.....	.....	$13,227.36

KANABEC COUNTY.

Nov. 22, 1893..	20,716	.....	.....	.....	.....	.....	$83.28	$8.93	.....	.....	.....	.....	.....	$92.21
Nov. 18, 1893..	20,727	$107.94	$4.90	$4.90	$4.90	$4.90	.....	26.57	.....	.....	.....	.....	.....	154.11
Nov. 18, 1893..	20,787	.....	.....	.....	.....	.....	1,273.00	132.03	.....	.....	.....	.....	.....	1,405.06
Apr. 19, 1894..	21,177	111.51	6.13	6.13	6.13	10.82	.....	61.75	.....	$7.04	.....	.....	.....	209.51
Apr. 19, 1894..	21,202	.....	.....	.....	.....	.....	84.03	.....	.....	.....	.....	.....	.....	84.03
May 8, 1894..	21,270	.....	.....	.....	.....	.....	.....	8.50	.....	8.50	.....	.....	.....	17.00
July 2, 1894..	22,752	.....	.....	.....	.....	.....	.....	162.15	.....	17.40	.....	.....	.....	179.55
July 2, 1894..	22,754	625.90	36.68	36.68	36.68	72.95	.....	367.44	.....	54.67	.....	.....	.....	1,231.00
June 14, 1894..	21,398	.....	.....	.....	.....	.....	60.00	17.00	.....	.....	.....	.....	.....	77.00
June 5, 1894..	21,366	.....	.....	.....	.....	.....	.....	25.50	.....	.....	.....	.....	.....	25.50
		$845.35	$47.71	$47.71	$47.71	$88.67	$1,500.31	$809.87	.....	$87.61	.....	.....	.....	$3,474.94

KANDIYOHI CONUTY.

Aug. 12, 1893..	20,542	.....	.....	.....	.....	.....	$321.44	$83.33	.....	.....	$30.00	$7.80	.....	$442.57
Dec. 4, 1893..	20,736	$465.34	$21.15	$21.15	$21.15	$21.15	212.14	.....	.....	.....	.....	.....	.....	762.08
Dec. 4, 1893..	20,732	700.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	700.00
Dec. 4, 1893..	20,733	.....	.....	.....	.....	.....	529.08	591.95	.....	128.50	.....	.....	.....	1,249.53
Apr. 2, 1894..	21,110	145.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	145.00
Apr. 2, 1894..	21,099	.....	.....	.....	.....	.....	578.00	772.73	.....	69.84	.....	.....	.....	1,420.57
Apr. 2, 1894.	21,101	2,536.85	136 90	136.90	136.90	231.94	.....	1,370.10	.....	142.71	.....	.....	.....	4,692.30
July 11, 1894..	22,792	325.00	.....	.....	.....	.....	.....	4,085.02	.....	186.36	.....	8.50	.....	4,604.88
July 11, 1894..	22,793	3,860.05	223.64	223.64	223.64	435.71	.....	2,230.79	.....	318.04	.....	.....	.....	7,521.51
		$8,032.24	$381.69	$381.69	$381.69	$688.80	$1,428.52	$9,352.06	.....	$845.45	$30.00	$16.30	.....	$21,538.44

KITTSON COUNTY.

Dec. 7, 1893..	20,809	$235 12	$10.68	$10.68	$10.68	$10.68	.....	$101.94	.....	.....	.....	.....	.....	$379.78
D c. 7, 1893..	20,808	.....	.....	.....	.....	.....	.....	133.59	.....	.....	.....	.....	.....	133.59
Apr. 7, 1894..	21,129	.....	.....	.....	.....	.....	.....	433.47	.....	.....	.....	.....	.....	433.47
Apr. 7, 1894..	21,137	1,776.84	89.59	89.59	89.59	128.48	.....	897.37	.....	$58.46	.....	.....	.....	3,129.89
June 21, 1894..	22,712	1,139.13	62.55	62.55	62.55	109.96	.....	622.61	.....	71.28	.....	.....	.....	2,130.63
June 21, 1894..	22,711	.....	.....	.....	.....	.....	.....	655.84	.....	.....	.....	.....	.....	655.84
		$3,151.09	$162.82	$162.82	$162.82	$249.12	.....	$3,844.82	.....	$129.74	.....	.....	.....	$6,863.20

STATEMENT "A"—*Continued.*

LAC QUI PARLE COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Dec. 4, 1893..	20,680	$468.82	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$468.82
Dec. 4, 1893..	20,682	551.50	$25.06	$25.06	$25.06	$25.06	.....	$250.30	.....	.....	.....	.....	.....	902.04
Dec. 4, 1893..	20,800	.....	.....	.....	.....	.....	.....	704.99	.....	.....	.....	.....	$17.75	722.74
Dec. 29, 1893..	20,862	.....	.....	.....	.....	.....	$595.00	31.82	.....	.....	.....	.....	.....	626.82
Mar. 28, 1894..	21,030	.....	.....	.....	.....	.....	.....	556.08	.....	.....	.....	.....	.....	556.08
Mar. 28, 1894..	21,031	3,253.04	167.29	167.29	167.29	252.81	.....	1,672.76	.....	$128.30	.....	.....	.....	5,808.78
Mar. 28, 1894..	21,032	292.82	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	292.82
May 16, 1894..	21,203	.....	.....	.....	.....	.....	.....	68.00	.....	.....	.....	.....	.....	68.00
July 5, 1894..	22,714	3,905.96	212.54	212.54	212.54	366.59	.....	2,124.79	.....	231.66	.....	.....	.....	7,266.62
July 5, 1894..	22,710	.....	.....	.....	.....	.....	.....	855.51	.....	.....	.....	.....	87.16	942.67
July 5, 1894..	22,715	663.96	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	663.96
		$9,136.10	$404.89	$404.89	$404.89	$644.46	$595.00	$6,264.25	.....	$359.96	.....	.....	$104.91	$18,319.35

LE SUEUR COUNTY.

Oct. 12, 1893..	20,363	.....	.....	.....	.....	.....	$340.00	$805.47	.....	.....	.....	.....	.....	$1,145.47
Oct. 12, 1893..	20,493	.....	.....	.....	.....	.....	80.00	22.00	.....	.....	.....	.....	.....	102.00
Nov. 23, 1893..	20,697	$152.41	$6.92	$6.92	$6.92	$6.92	.....	71.35	.....	.....	.....	.....	.....	251.44
Nov. 23, 1893..	20,722	.....	.....	.....	.....	.....	.....	34.98	.....	.....	.....	.....	.....	34.98
Apr. 2, 1894..	21,048	.....	.....	.....	.....	.....	488.75	50.12	.....	.....	.....	.....	.....	538.87
Apr. 2, 1894..	21,051	2,094.09	119.08	119.08	119.08	224.24	.....	1,190.84	.....	157.75	.....	.....	.....	4,024.16
July 10, 1894..	22,762	.....	.....	.....	.....	.....	100.00	770.90	.....	.....	.....	.....	.....	870.90
July 10, 1894..	22,765	5,191.70	302.47	302.47	302.47	595.01	.....	3,024.55	.....	439.34	.....	.....	.....	10,158.01
		$7,438.20	$428.47	$428.47	$428.47	$826.17	$1,008.75	$5,970.21	.....	$597.09	.....	.....	.....	$17,125.83

LAKE COUNTY.

Nov. 28, 1893..	20,773	$218.04	$9.90	$9.90	$9.90	$9.90	.....	$109.01	.....	.....	.....	.....	.....	$366.65
Mar. 21, 1894..	21,034	206.15	13.27	13.27	13.27	18.46	.....	183.25	.....	$7.78	.....	.....	.....	455.45
July 5, 1894..	22,883	1,916.83	110.21	110.21	110.21	209.81	.....	1,099.41	.....	149.16	.....	.....	.....	3,705.84
		$2,401.02	$133.38	$133.38	$133.38	$238.17	.....	$1,341.67	.....	$156.94	.....	.....	.....	$4,527.94

LINCOLN COUNTY.

Dec. 7, 1893..	20,790	.....	.....	.....	.....	.....	.....	$488.52	.....	.....	.....	.....	.....	$488.52
Dec. 7, 1893..	20,792	$325.96	$14.81	$14.81	$14.81	$14.81	.....	149.36	.....	.....	.....	.....	.....	534.56
Apr. 13, 1894..	21,149	.....	.....	.....	.....	.....	.....	964.63	.....	.....	.....	.....	.....	964.63
Apr. 13, 1894..	21,152	1,623.16	82.66	82.66	82.66	121.75	.....	827.39	.....	$58.67	.....	.....	.....	2,878.95
July 5, 1894..	22,783	1,366.16	77.52	77.52	77.52	145.41	.....	775.96	.....	102.50	.....	.....	.....	2,622.59
July 5, 1894..	22,779	.....	.....	.....	.....	.....	$590.00	1,290.20	.....	.....	.....	.....	.....	1,880.20
		$3,315.28	$174.99	$174.99	$174.99	$281.97	$590.00	$4,496.06	.....	$161.17	.....	.....	.....	$9,369.45

LYON COUNTY.

Nov. 24, 1893..	20,760	$361.47	$16.43	$16.43	$16.43	$16.43	.....	$164.25	.....	.....	.....	.....	.....	$591.44
Nov. 24, 1893..	20,759	.....	.....	.....	.....	.....	.....	603.78	.....	$129.92	.....	.....	.....	733.70
Apr. 9, 1894..	21,159	.....	.....	.....	.....	.....	$80.00	975.83	.....	38.13	.....	.....	.....	1,093.96
Apr. 9, 1894..	21,158	2,445.63	128.55	128.55	128.55	205.12	.....	1,287.22	.....	114.88	.....	.....	.....	4,438.50
July 2, 1894..	22,794	.....	.....	.....	.....	.....	680.00	2,873.82	.....	145.03	.....	.....	.....	3,698.85
July 2, 1894..	22,795	3,446.18	195.47	195.47	195.47	366.33	.....	1,958.29	.....	257.12	.....	.....	.....	6,614.33
		$6,253.28	$340.45	$340.45	$340.45	$587.88	$760.00	$7,863.19	.....	$685.08	.....	.....	.....	$17,170.78

McLEOD COUNTY.

Nov. 15, 1893..	20,663	$345.46	$15.70	$15.70	$15.70	$15.70	.....	$148.42	.....	.....	.....	.....	.....	$556.68
Nov. 15, 1893..	20,654	.....	.....	.....	.....	.....	$20.00	86.65	.....	$79.06	.....	.....	.....	185.71
Mar. 13, 1894..	21,007	.....	.....	.....	.....	.....	340.00	100.61	$527.00	88.72	.....	.....	.....	1,056.33
Mar. 13, 1894..	21,012	2,410.54	134.50	134.50	134.50	244.24	.....	1,346.26	.....	164.62	.....	.....	.....	4,569.16
June 26, 1894..	22,119	.....	.....	.....	.....	.....	103.00	1,477.35	884.00	1,157.74	.....	.....	.....	3,622.09
June 26, 1894..	22,720	5,117.74	299.07	299.07	299.07	591.47	.....	2,902.40	.....	438.63	.....	.....	.....	10,037.45
		$7,873.74	$449.27	$449.27	$449.27	$851.41	$463.00	$6,151.69	$1,411.00	$1,928.77	.....	.....	.....	$20,027.42

MARSHALL COUNTY.

Aug. 12, 1893..	20,515	.....	.....	.....	.....	.....	$473.50	$134.45	.....	.....	.....	.....	.....	$607.95
Dec. 12, 1893..	20,801	.....	.....	.....	.....	.....	.....	213.36	.....	.....	.....	.....	.....	213.36
Dec. 12, 1893..	20,803	$224.42	$10.20	$10.20	$10.20	$10.20	.....	106.11	.....	.....	.....	.....	.....	371.33
Dec. 12, 1893..	20,805	105.80	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	105.80
Apr. 6, 1894..	21,117	.....	.....	.....	.....	.....	.....	568.81	.....	.....	.....	.....	.....	568.81
Apr. 6, 1894..	21,124	1,429.16	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,429.16
Apr. 6, 1894..	21,123	1,616.14	83.90	83.90	83.90	129.85	.....	842.41	.....	$68.94	.....	.....	.....	2,909.04
July 20, 1894..	22,807	331.87	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	331.87
July 20, 1894..	22,806	1,350.16	75.86	75.86	75.86	139.06	.....	762.98	.....	95.78	.....	.....	.....	2,576.11
July 20, 1894..	22,861	.....	.....	.....	.....	.....	.....	751.89	.....	.....	.....	.....	.....	751.89
		$5,057.55	$169.96	$169.96	$169.96	$279.71	$473.50	$3,380.01	.....	$164.67	.....	.....	.....	$9,865.32

STATEMENT "A"—*Continued.*

MARTIN COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Dec. 4, 1893..	20,704	$424.05	.....	.....	.....	.....	$1,136.00	$2,176.27	.....	.....	.....	.....	.....	$3,312.27
Dec. 4, 1893..	20,691	.....	$19.27	$19.27	$19.27	$19.27	.....	195.42	.....	.....	.....	.....	.....	296.55
Mar. 24, 1894..	21,022	.....	.....	.....	.....	.....	187.00	2,935.93	.....	.....	.....	.....	.....	3,122.93
Mar. 24, 1894.	21,062	2,457.8	129.30	129.30	129.30	206.74	.....	1,295.61	.....	$116.18	.....	.....	.....	4,464.25
June 2, 1894..	21,362	.....	.....	.....	.....	.....	340.00	.....	.....	.....	.....	.....	.....	340.00
July 30, 1894..	22,886	76.58	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	76.58
July 30, 1894..	.....	.....	.....	.....	.....	.....	2,611.00	7,649.07	.....	.....	.....	.....	.....	10,260.07
July 30, 1894..	22,885	4,581.37	264.04	264.04	264.04	509.58	.....	2,642.98	.....	368.90	.....	.....	.....	8,894.95
		$7,539.82	$412.61	$412.61	$412.61	$735.59	$4,274.00	$16,895.28	.....	$485.08	.....	.....	.....	$31,167.60

MEEKER COUNTY.

Oct. 4, 1893..	20,487	.....	.....	.....	.....	.....	$699.00	$2,539.02	.....	$1,176.24	.....	.....	$12.75	$4,427.01
Dec. 4, 1893..	20,812	.....	.....	.....	.....	.....	100.00	.....	.....	.....	.....	.....	.....	100.00
Dec. 4, 1894..	20,784	.....	.....	.....	.....	.....	.....	417.53	.....	242.74	.....	.....	.....	660.27
Dec. 4, 1893..	20,785	$297.54	$13.52	$13.52	$13.52	$13.52	.....	137.16	.....	.....	.....	.....	.....	488.78
Apr. 6, 1894..	21,116	.....	.....	.....	.....	.....	875.00	406.37	2,161.59	284.73	.....	.....	.....	3,727.69
Apr. 6, 1894..	21,122	2,508.67	130.54	130.54	130.54	208.24	.....	1,300.15	.....	.....	.....	.....	.....	4,412.68
July 26, 1894..	22,881	.....	.....	.....	.....	.....	.....	2,223.43	.....	782.92	.....	.....	.....	3,006.35
July 25, 1894..	22,882	3,426.29	197.54	197.54	197.54	381.51	.....	1,976.88	.....	.....	.....	.....	.....	6,377.30
		$6,232.50	$341.60	$341.60	$341.60	$598.27	$1,674.00	$9,009.54	$2,161.59	$2,486.63	.....	.....	$12.75	$23,200.08

MILLE LACS COUNTY.

Dec. 12, 1893..	20,709	$216.63	$9.84	$9.84	$9.84	$9.84	.....	$102.26	.....	.....	.....	.....	.....	$358.25
Apr. 21, 1894..	21,183	544.24	30.05	30.05	30.05	53.48	.....	248.17	.....	$28.72	.....	.....	.....	964.76
July 19, 1894..	22,871	.....	.....	.....	.....	.....	.....	780.66	.....	.....	.....	.....	.....	780.66
July 19, 1894..	22,873	1,257.69	72.44	72.44	72.44	139.70	.....	715.15	.....	99.01	.....	.....	.....	2,428.87
		$2,018.56	$112.33	$112.33	$112.33	$203.02	.....	$1,846.24	.....	$127.73	.....	.....	.....	$4,532.54

MORRISON COUNTY.

Sept. 19, 1893..	[illegible]	.....	.....	.....	.....	.....	$547.75	$133.81	.....	.....	$150.00	$36.65	.....	$868.21
Sept. 19, 1893..	20,609	.....	.....	.....	.....	.....	30.00	7.33	.....	.....	.....	.....	.....	37.33
Nov. 27, 1893..	20,766	$398.69	$18.12	$18.12	$18.12	$18.12	.....	186.09	.....	.....	.....	.....	.....	657.26
Nov. 27, 1893..	20,765	.....	.....	.....	.....	.....	680.00	983.15	.....	$34.08	.....	.....	.....	1,697.23
Apr. 9, 1894..	21,155	.....	.....	.....	.....	.....	.....	522.45	.....	.....	.....	.....	.....	522.45
Apr. 9, 1894..	21,156	1,521.69	80.61	80.61	80.61	130.99	.....	809.84	.....	75.69	.....	.....	.....	2,780.04
July 2, 1894..	22,776	.....	.....	.....	.....	.....	585.00	1,012.00	.....	62.05	.....	.....	.....	1,659.05
July 2, 1894..	22,782	2,490.57	142.72	142.72	142.72	270.80	.....	1,434.29	.....	192.11	.....	.....	.....	4,824.93
		$4,419.98	$241.45	$241.45	$241.45	$419.91	$1,822.75	$5,088.96	.....	$363.93	$150.00	$36.65	.....	$13,026.50

MOWER COUNTY.

Nov. 27, 1893..	20,749	$598.64	$27.20	$27.20	$27.20	$27.20	.....	$272.05	.....	.....	.....	.....	.....	$979.49
Nov. 27, 1893..	20,746	.....	.....	.....	.....	.....	.....	193.72	.....	$49.64	.....	.....	.....	243.36
Apr. 17, 1894..	21,145	.....	.....	.....	.....	.....	$595.00	83.83	.....	84.13	.....	.....	.....	762.96
Apr. 17, 1894..	21,146	3,129.02	176.28	176.28	176.28	826.15	.....	1,757.23	.....	223.89	.....	.....	.....	5,965.13
July 30, 1894..	22,892	7,520.26	437.48	437.48	437.48	858.86	.....	4,376.62	.....	630.32	.....	.....	.....	14,698.00
July 30, 1894..	22,888	.....	.....	.....	.....	.....	.....	3,132.12	.....	224.38	.....	.....	.....	3,356.50
		$11,247.92	$640.96	$640.96	$640.96	$1,211.71	$595.00	$9,815.57	.....	$1,212.36	.....	.....	.....	$26,005.44

MURRAY COUNTY.

Aug. 11, 1893..	20,690	.....	.....	.....	.....	.....	$490.40	$127.40	.....	.....	.....	.....	.....	$617.80
Nov. 24, 1893..	20,726	$336.02	$15.27	$15.27	$15.27	$15.27	.....	152.67	.....	.....	.....	.....	.....	549.77
Nov. 24, 1893..	21,041	.....	.....	.....	.....	.....	680.00	1,551.28	.....	$298.43	.....	.....	.....	2,529.71
Mar. 24, 1894..	21,049	.....	.....	.....	.....	.....	1,496.00	2,842.11	.....	240.43	.....	.....	.....	4,578.54
Mar. 24, 1894..	21,300	1,990.71	103.92	103.92	103.92	163.05	.....	1,013.81	.....	84.84	.....	.....	.....	3,564.17
May 21, 1894..	22,609	.....	.....	.....	.....	.....	.....	34.40	.....	.....	.....	.....	.....	34.40
June 22, 1894..	21,383	.....	.....	.....	.....	.....	543.00	153.48	.....	.....	.....	.....	$100.04	796.52
June 8, 1894..	21,397	.....	.....	.....	.....	.....	.....	17.85	.....	.....	.....	.....	.....	17.85
June 12, 1894..	22,751	.....	.....	.....	.....	.....	3,880.00	4,420.20	.....	322.77	.....	.....	.....	8,622.97
June 22, 1894..	20,534	2,971.96	166.05	166.05	166.05	302.32	.....	1,603.07	.....	195.05	.....	.....	.....	5,570.55
		$5,298.69	$285.24	$285.24	$285.24	$480.64	$7,089.40	$11,916.27	.....	$1,141.52	.....	$100.04	.....	$26,882.28

NICOLLET COUNTY.

Dec. 7, 1893..	20,658	.....	.....	.....	.....	.....	.....	$58.10	$37.85	$12.65	.....	.....	.....	$108.10
Dec. 7, 1893..	20,665	$54.58	$2.48	$2.48	$2.48	$2.48	.....	23.22	.....	.....	.....	.....	.....	87.72
Mar. 16, 1894..	21,001	.....	.....	.....	.....	.....	.....	149.76	.....	38 55	.....	.....	.....	188.31
Mar. 16, 1894..	21,009	1,725.77	100.44	100.44	100.44	197.23	.....	1,004.61	.....	145.19	.....	.....	.....	3,374.12
July 19, 1894..	22,870	5,228.38	307.07	307.07	307.07	612.45	.....	3,071.93	.....	458.11	.....	.....	.....	10,292.63
July 19, 1894..	22,869	.....	.....	.....	.....	.....	$170.00	1,219.69	.....	463.10	.....	.....	.....	1,852.79
		$7,009.28	$409.99	$409.99	$409.99	$812.16	$170.00	$5,527.31	$37.85	$1,117.60	.....	.....	.....	$15,908.67

STATEMENT "A"—*Continued.*

POPE COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Sept. 29, 1893..	20,502	.....	.....	.....	.....	.....	$565.00	$4,166.97	.....	$123.92	.....	.....	.....	$4,855.89
Dec. 6, 1893..	20,797	.....	.....	.....	.....	.....	171.00	419.95	.....	.....	.....	.....	.....	590.95
Dec. 6, 1893..	20,798	.....	$15.13	$15.13	$15.13	$15.13	.....	152.85	.....	.....	.....	.....	.....	545.81
Apr. 21, 1894..	21,180	$332.94	82.27	82.27	82.27	131.71	.....	846.60	.....	75.33	.....	.....	.....	2,863.49
Apr. 21, 1894..	21,196	1,563.04	.....	.....	.....	.....	170.00	1,454.35	.....	49.07	.....	.....	.....	1,673.42
		$1,895.98	$97.40	$97.40	$97.40	$146.84	$906.00	$7,040.22	.....	$248.32	.....	.....	.....	$10,529.56

RAMSEY COUNTY.

Aug. 15, 1893..	20,506*	190,497.54	$9,340.79	$9,340.79	$9,340.79	$9,340.79	.....	$83,491.93	.....	.....	.....	.....	.....	311,352.63
Aug. 15, 1893..	20,506*	10,000.00	.....	.....	.....	.....	.....	10,000.00	.....	.....	.....	.....	.....	20,000.00
Dec. 20, 1893..	20,846	6,745.10	306.59	306.59	306.59	306.59	.....	3,108.33	.....	.....	.....	.....	.....	11,079.79
Apr. 13, 1894..	21,107	37,705.75	2,051.39	2,051.39	2,051.39	3,536.40	.....	20,541.60	.....	$2,227.52	.....	.....	.....	70,165.44
June 5, 1894..	21,371	.....	.....	.....	.....	.....	.....	83.33	.....	.....	.....	.....	.....	83.33
July 21, 1894..	22,910	.....	.....	.....	.....	.....	.....	25.50	.....	.....	.....	.....	.....	25.50
July 30, 1894..	22,937	166,954.42	9,528.71	9,528.71	9,528.71	18,064.17	.....	95,343.31	.....	12,802.93	.....	.....	.....	321,750.96
		411,902.81	$21,227.48	$21,227.48	$21,227.48	$31,247.95	.....	212,594.00	.....	$15,030.45	.....	.....	.....	784,457.65

* On account.

REDWOOD COUNTY.

Oct. 16, 1893..	20,494	.....	.....	.....	.....	.....	$7,146.00	.....	.....	.....	.....	.....	.....	$7,146.00
Oct. 19, 1893..	20,494	.....	.....	.....	.....	.....	1,007.00	$2,998.00	.....	.....	.....	.....	.....	4,005.00
Dec. 4, 1893..	20,494	.....	.....	.....	.....	.....	.....	3,684.24	.....	$9.50	.....	.....	.....	3,693.74
Mar. 12, 1894..	20,743	.....	.....	.....	.....	.....	3,458.75	2,354.42	.....	.....	.....	.....	.....	5,813.17
Mar. 12, 1894..	20,745	$460.10	$20.91	$20.91	$20.91	$20.91	.....	218.01	.....	.....	.....	.....	.....	761.75
May 15, 1894..	21,084	.....	.....	.....	.....	.....	2,414.00	3,821.81	.....	16.60	.....	.....	.....	6,252.41
May 15, 1894..	21,085	2,399.29	127.18	127.18	127.18	206.97	.....	1,273.57	.....	119.69	.....	.....	.....	4,381.06
May 21, 1894..	21,318	.....	.....	.....	.....	.....	2,974.00	550.93	.....	.....	.....	.....	.....	3,524.93
May 24, 1894..	21,324	.....	.....	.....	.....	.....	.....	9.75	.....	.....	.....	.....	.....	9.75
May 28, 1894..	21,322	.....	.....	.....	.....	.....	.....	34.00	.....	.....	.....	.....	.....	34.00
July 14, 1894..	22,814	4,491.79	259.06	259.06	259.06	500.57	.....	2,590.84	.....	362.88	.....	.....	.....	8,722.26
July 11, 1894..	22,862	.....	.....	.....	.....	.....	680.00	.....	.....	.....	.....	.....	.....	680.00
July 21, 1894..	22,908	.....	.....	.....	.....	.....	850.00	.....	.....	.....	.....	.....	.....	850.00
		$7,351.18	$407.15	$407.15	$407.15	$728.45	$18,529.75	$17,535.07	.....	$508.17	.....	.....	.....	$45,874.07

RENVILLE COUNTY.

Oct. 13, 1893..	20,642	.....	.....	.....	.....	.....	$9,418.98	$8,256.01	.....	$536.95	.....	.....	.....	$18,214.89
Sept. 8, 1893..	20,601	.....	.....	.....	.....	.....	.....	18.40	.....	.....	.....	.....	.....	18.40
Dec. 13, 1893..	20,789	.....	.....	.....	.....	.....	287.00	8,945.92	.....	150.44	.....	.....	.....	4,883.36
Dec. 13, 1893..	20,793	$732.94	$33.31	$33.31	$33.31	$33.31	.....	324.60	.....	.....	.....	.....	.....	1,190.78
Apr. 13, 1894..	21,111	.....	.....	.....	.....	.....	1,461.00	2,625.22	.....	78.70	.....	.....	.....	4,164.92
Apr. 13, 1894..	21,112	2,728.43	146.75	146.75	146.75	246.85	.....	1,470.54	.....	150.17	.....	.....	.....	5,036.24
July 14, 1894..	22,837	.....	.....	.....	.....	.....	374.00	7,751.98	.....	303.12	.....	.....	.....	8,429.10
July 14, 1894..	22,838	4,041.74	282.58	282.58	282.58	447.58	.....	2,328.58	.....	322.50	.....	.....	.....	7,888.14
May 26, 1894..	21,343	.....	.....	.....	.....	.....	.....	17.80	.....	.....	.....	.....	.....	17.80
May 28, 1894..	21,347	.....	.....	.....	.....	.....	.....	20.40	.....	.....	.....	.....	.....	20.40
		$7,503.11	$412.64	$412.64	$412.64	$727.74	$11,540.98	$26,759.45	.....	$1,541.88	.....	.....	.....	$49,811.03

RICE COUNTY.

Nov. 13, 1893..	20,657	.....	.....	.....	.....	.....	$380.00	$86.60	.....	.....	.....	.....	.....	$466.60
Nov. 13, 1893..	20,664	$211.65	$9.62	$9.62	$9.62	$9.62	.....	93.49	.....	.....	.....	.....	.....	$343.62
Mar. 21, 1894..	21,018	.....	.....	.....	.....	.....	12.50	53.26	.....	.....	.....	.....	.....	65.76
Mar. 21, 1894..	21,043	3,543.43	201.77	201.77	201.77	380.90	.....	2,018.19	.....	$268.70	.....	.....	.....	6,816.58
June 14, 1894..	21,394	8,167.47	474.52	474.52	474.52	928.96	.....	4,744.83	.....	682.00	.....	.....	.....	15,946.82
June 14, 1894..	21,385	.....	.....	.....	.....	.....	235.30	679.64	.....	.....	.....	.....	.....	914.94
		$11,922.60	$685.91	$685.91	$685.91	$1,319.48	$627.80	$7,676.01	.....	$950.70	.....	.....	.....	$24,554.32

ROCK COUNTY.

Nov. 22, 1893..	20,685	$213.99	$9.72	$9.72	$9.72	$9.72	.....	$99.29	.....	.....	.....	.....	.....	$352.16
Nov. 22, 1893..	20,729	.....	.....	.....	.....	.....	.....	133.46	.....	.....	.....	.....	.....	133.46
Mar. 26, 1894..	21,054	.....	.....	.....	.....	.....	$1,493.00	352.63	.....	.....	.....	.....	.....	1,848.63
Mar. 26, 1894..	21,056	1,779.67	94.43	94.43	94.43	154.08	.....	944.36	.....	$89.42	.....	.....	.....	3,250.77
Apr. 8, 1894..	21,144	.....	.....	.....	.....	.....	.....	23.82	.....	.....	.....	.....	.....	23.82
June 26, 1894..	22,746	.....	.....	.....	.....	.....	1,785.00	3,532.28	.....	.....	.....	.....	.....	5,317.28
June 26, 1894..	22,748	3,597.60	206.29	206.29	206.29	394.49	.....	2,064.26	.....	282.50	.....	.....	.....	6,957.72
		$5,591.26	$310.44	$310.44	$310.44	$558.24	$3,281.00	$7,150.10	.....	$371.92	.....	.....	.....	$17,883.84

ST. LOUIS COUNTY.

Sept. 26, 1893..	20,619	.....	.....	.....	.....	.....	$5.00	.....	.....	.....	.....	.....	.....	$5.00
Jan. 6, 1894..	20,818	.....	.....	.....	.....	.....	66.55	.....	.....	.....	.....	.....	$124.10	190.65
Jan. 6, 1894..	20,853	$2,598.40	$118.10	$118.10	$118.10	$118.10	.....	$1,208.46	.....	.....	.....	.....	.....	4,279.26
Feb. 12, 1894..	20,942	.....	.....	.....	.....	.....	47.00	.....	.....	.....	.....	.....	.....	47.00
Apr. 10, 1894..	20,622	72,862.19	3,312.82	3,312.82	3,312.82	3,312.82	.....	33,268.31	.....	.....	.....	.....	.....	119,381.78
Apr. 10, 1894..	21,174	.....	.....	.....	.....	.....	9.00	.....	.....	.....	.....	.....	.....	9.00
Apr. 24, 1894..	21,223	16,351.26	872.38	872.38	872.38	1,440.63	.....	8,765.99	.....	$852.38	.....	.....	.....	30,027.40
July 30, 1894..	22,945	.....	.....	.....	.....	.....	22.50	.....	.....	.....	.....	.....	.....	22.50
		$91,811.85	$4,303.30	$4,303.30	$4,303.30	$4,871.55	$150.05	$43,242.76	.....	$852.38	.....	.....	$124.10	153,962.59

STATEMENT "A"--*Continued.*

SCOTT COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Aug. 16, 1893..	20,331	$4,922.76	$223.76	$223.76	$223.76	$223.76	.....	$2,238.23	.....	.....	.....	.....	.....	$8,056.06
Dec. 20, 1893..	20,735	81.17	3.68	3.68	3.68	3.68	.....	36.02	.....	.....	.....	.....	.....	131.91
Dec. 20, 1893..	20,734	.....	.....	.....	.....	.....	.....	41.70	.....	.....	.....	.....	.....	41.70
Mar. 17, 1894..	21,003	.....	.....	.....	.....	.....	$270.00	22.27	.....	.....	.....	.....	.....	292.27
Mar. 17, 1894..	21,015	1,971.45	112.89	112.89	112.89	215.35	.....	1,129.15	.....	$153.71	.....	.....	.....	3,808.33
June 21, 1894..	22,717	3,784.73	221.35	221.35	221.35	438.35	.....	2,215.26	.....	325.41	.....	.....	.....	7,427.80
June 11, 1894..	21,370	.....	.....	.....	.....	.....	50.00	14.03	.....	.....	.....	.....	.....	64.03
June 21, 1894..	22,716	.....	.....	.....	.....	.....	.....	342.55	.....	.....	.....	.....	.....	342.55
		$10,760.11	$561.68	$561.68	$561.68	$881.14	$320.00	$6,039.21	.....	$479.12	.....	.....	.....	$20,164.62

SHERBURNE COUNTY.

Aug. 2, 1893..	20,526	.....	.....	.....	.....	.....	$162.00	$43.07	$102.00	$27.13	.....	.....	.....	$334.20
Nov. 25, 1893..	20,755	.....	.....	.....	.....	.....	170.00	164.18	.....	.....	.....	.....	.....	334.18
Nov. 25, 1893..	20,756	$103.57	$8.80	$8.80	$8.80	$8.80	.....	95.07	.....	.....	.....	.....	.....	323.84
Mar. 26, 1894..	21,049	.....	.....	.....	.....	.....	.....	12.20	.....	.....	.....	.....	.....	12.20
Mar. 26, 1894..	21,052	669.82	35.89	35.89	35.89	59.93	.....	360.01	.....	36.08	.....	.....	.....	1,233.51
July 2, 1894..	22,738	.....	.....	.....	.....	.....	.....	1,076.17	.....	120.18	.....	.....	.....	1,196.35
July 2, 1894..	22,739	1,372.77	78.36	78.36	78.36	148.63	.....	786.85	.....	105.34	.....	.....	.....	2,648.67
May 28, 1894..	21,296	.....	.....	.....	.....	.....	290.00	38.71	45.25	13.33	.....	.....	.....	387.29
		$2,236.16	$123.05	$123.05	$123.05	$217.36	$622.00	$2,576.26	$147.25	$302.06	.....	.....	.....	$6,470.24

SIBLEY COUNTY.

Nov. 22, 1893..	20,669	$196.05	$8.91	$8.91	$8.91	$8.91	.....	$89.05	.....	.....	.....	.....	.....	$320.74
Nov. 22, 1893..	20,724	.....	.....	.....	.....	.....	.....	472.65	.....	$195.68	.....	.....	.....	668.33
Apr. 10, 1894..	21,166	.....	.....	.....	.....	.....	$119.00	978.86	.....	380.14	.....	.....	.....	1,478.00
Apr. 10, 1894..	21,167	1,800.45	100.09	100.09	100.09	180.41	.....	1,001.06	.....	120.49	.....	.....	.....	3,402.68
June 26, 1894..	22,757	.....	.....	.....	.....	.....	525.50	2,498.98	.....	1,048.85	.....	.....	$45.48	4,113.26
June 26, 1894..	22,758	4,918.86	287.28	287.28	287.28	567.60	.....	2,872.73	.....	420.72	.....	.....	.....	9,641.75
		$6,915.36	$396.28	$396.28	$396.28	$756.92	$644.50	$7,908.28	.....	$2,165.36	.....	.....	$45.48	$19,624.76

STEARNS COUNTY.

Oct. 8, 1893..	20,520						$1,504.00	$313.91					$1,817.91
Dec. 16, 1893..	20,767							172.07		$68.78			240.85
Dec. 16, 1893..	20,768	$3.99											3.99
Dec. 16, 1893..	20,769	590.75	$26.85	$26.85	$26.85	$26.85		271.14					969.29
Apr. 19, 1894..	21,125						221.00	837.87		435.04			1,493.91
Apr. 21, 1894..	21,126	4,316.93	238.18	238.18	238.18	422.85		2,886.80		277.01			8,117.63
May 31, 1894..	21,353									16.15			16.15
		$4,911.67	$265.03	$265.03	$265.03	$449.70	$1,725.00	$3,981.29		$796.98			$12,659.73

STEELE COUNTY.

Nov. 23, 1893..	20,674	$102.17	$4.64	$4.64	$4.64	$4.64		$47.42					$168.15
Nov. 23, 1893..	20,719							88.93		$26.75			115.68
Mar. 24, 1894..	21,047							41.74					41.74
Mar. 24, 1894..	21,050	2,330.98	134.55	134.55	134.55	260.43		1,345.80		188.98			4,529.84
June 28, 1894..	22,774	5,845.50	341.52	341.52	341.52	675.12		3,416.54		500.33			11,462.05
June 28, 1894..	22,770							1,160.27		326.81			1,487.08
		$8,278.65	$480.71	$480.71	$480.71	$940.19		$6,100.70		$1,042.87			$17,804.54

STEVENS COUNTY.

Dec. 7, 1893..	20,791							$332.31					$332.31
Dec. 7, 1893..	20,683	$138.32	$6.28	$6.28	$6.28	$6.28		63.15					226.59
Dec. 7, 1893..	20,681	104.00											104.00
Mar. 30, 1894..	21,075							270.82					270.82
Mar. 30, 1894..	21,078	276.50											276.50
Mar. 30, 1894..	21,077	1,174.73	61.68	61.68	61.68	98.15		616.84		$54.71			2,129.47
June 28, 1894..	22,756	213.50											213.50
June 28, 1894..	22,755	2,029.57	108.71	108.71	108.71	181.14		1,096.92		108.96			3,732.72
June 28, 1894..	22,753							2,047.53		10.20			2,057.73
		$3,936.62	$176.67	$176.67	$176.67	$285.57		$4,417.07		$173.87			$9,343.14

SWIFT COUNTY.

Aug. 12, 1893..	20,532						$196.00	$51.02					$247.02
Nov. 18, 1893..	20,703							870.44					870.44
Nov. 18, 1893..	20,686	$241.56	$10.98	$10.98	$10.98	$10.98		111.57					397.05
Mar. 30, 1894..	21,093							531.26					531.26
Mar. 30, 1894..	21,094	1,655.86	87.77	87.77	87.77	142.92		880.68		$82.76			3,024.98
July 5, 1894..	22,796						340.00	2,430.12					2,770.12
July 5, 1894..	22,797	2,240.99	127.29	127.29	127.29	239.23		1,276.44		168.44			4,306.97
		$4,137.91	$226.04	$226.04	$226.04	$393.13	$536.00	$6,151.49		$251.20			$12,147.84

STATEMENT "A"—*Continued.*

TODD COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Oct. 4, 1893..	20,481	.....	.....	.....	.....	.....	$14.00	$1,633.94	$20.00	$268.12	.....	.....	.....	$1,936.06
Dec. 23, 1893..	20,780	.....	.....	.....	.....	.....	.....	422.86	.....	26.71	.....	.....	.....	449.57
Dec. 23, 1893..	20,781	$308.00	$14.00	$14.00	$14.00	$14.00	.....	144.07	.....	.....	.....	.....	.....	508.07
Apr. 2, 1894..	21,104	.....	.....	.....	.....	.....	.....	975.58	.....	38.88	.....	.....	.....	1,014.46
Apr. 2, 1894..	21,105	1,452.37	76.21	76.21	76.21	121.07	.....	765.14	.....	67.30	.....	.....	.....	2,634.51
June 28, 1894..	22,772	2,028.16	.....	.....	.....	.....	.....	1,150.28	.....	147.40	.....	.....	.....	3,382.50
June 28, 1894..	22,768	.....	114.55	114.55	114.55	218.10	.....	1,185.33	.....	153.97	.....	.....	.....	1,339.30
		$3,788.53	$204.76	$204.76	$204.76	$343.08	$14.00	$6,277.20	$20.00	$702.38	.....	.....	.....	$11,764.47

TRAVERSE COUNTY.

Dec. 7, 1893..	20,706	.....	.....	.....	.....	.....	.....	$190.55	.....	.....	.....	.....	.....	$190.55
Dec. 7, 1893..	20,708	$191.71	$8.71	$8.71	$8.71	$8.71	.....	89.59	.....	.....	.....	.....	.....	316.14
Mar. 24, 1894..	21,066	.....	.....	.....	.....	.....	.....	441.73	.....	.....	.....	.....	.....	441.73
Mar. 24, 1894..	21,083	1,033.58	53.79	53.79	53.79	83.78	.....	539.48	.....	$44.99	.....	.....	.....	1,863.20
Mar. 26, 1894..	21,098	78.40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	78.40
Mar. 28, 1894..	22,781	1,056.14	59.32	59.32	59.32	109.11	.....	595.50	.....	74.58	.....	.....	.....	2,013.29
Mar. 28, 1894..	22,780	.....	.....	.....	.....	.....	.....	1,774.25	.....	.....	.....	.....	.....	1,774.25
July 8, 1894..	22,835	189.93	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	189.93
		$2,549.76	$121.82	$121.82	$121.82	$201.60	.....	$2,631.10	.....	$119.57	.....	.....	.....	$6,867.49

WABASHA COUNTY.

Dec. 15, 1893..	20,833	$316.81	$14.40	$14.40	$14.40	$14.40	.....	$157.04	.....	.....	.....	.....	.....	$531.45
Dec. 15, 1893..	20,832	.....	.....	.....	.....	.....	.....	3.50	.....	.....	.....	.....	.....	3.50
Mar. 30, 1894..	21,097	.....	.....	.....	.....	.....	.....	2.80	.....	.....	.....	.....	.....	2.80
Mar. 30, 1894..	21,100	2,320.37	133.32	133.32	133.32	255.89	.....	1,331.54	.....	$133.86	.....	.....	.....	4,491.62
June 22, 1894..	22,763	5,994.02	350.97	350.97	350.97	696.48	.....	3,511.95	.....	517.82	.....	.....	.....	11,773.18
June 22, 1894..	22,760	.....	.....	.....	.....	.....	$786.00	377.78	.....	.....	.....	.....	.....	1,163.78
		$8,631.20	$498.69	$498.69	$498.69	$966.77	$786.00	$5,384.56	.....	$701.68	.....	.....	.....	$17,966.28

WADENA COUNTY.

Nov. 22, 1893..	20,684	$108.03	$4.91	$4.91	$4.91	$4.91	.....	$51.37	.....	.....	.....	.....	.....	$179.04
Nov. 22, 1893..	20,730	.....	.....	.....	.....	.....	.....	61.61	.....	.....	.....	.....	.....	61.61
Mar. 21, 1894..	21,024	.....	.....	.....	.....	.....	.....	87.03	.....	.....	.....	.....	.....	87.03
Mar. 21, 1894..	21,026	857.65	46.97	46.97	46.97	82.18	.....	470.60	.....	$52.84	.....	.....	.....	1,604.18
Mar. 21, 1894..	21,027	18.01	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	18.01
June 26, 1894..	22,764	860.72	49.37	49.37	49.37	94.50	.....	494.40	.....	68.20	.....	.....	.....	1,665.93
June 26, 1894..	22,761	.....	.....	.....	.....	.....	.....	226.76	.....	.....	.....	.....	.....	226.76
June 21, 1894..	22,610	.....	.....	.....	.....	.....	$93.65	25.96	.....	.....	.....	.....	.....	119.61
		$1,844.41	$101.25	$101.25	$101.25	$181.59	$93.65	$1,417.73	.....	$121.04	.....	.....	.....	$3,962.17

WASECA COUNTY.

Nov. 13, 1893..	20,651	.....	.....	.....	.....	.....	.....	$177.32	.....	$41.17	.....	.....	.....	$218.49
Nov. 13, 1893..	20,661	$207.72	$9.44	$9.44	$9.44	$9.44	.....	89.43	.....	.....	.....	.....	.....	334.91
Mar. 13, 1894..	21,017	.....	.....	.....	.....	.....	.....	190.82	.....	21.70	.....	.....	.....	212.52
Mar. 13, 1894..	21,016	1,587.61	89.13	89.13	89.13	163.81	.....	891.59	.....	112.04	.....	.....	.....	3,022.44
June 20, 1894..	22,607	4,731.38	275.79	275.79	275.79	543.03	.....	2,891.73	.....	267.20	.....	.....	.....	9,260.71
June 20, 1894..	22,606	.....	.....	.....	.....	.....	.....	806.83	.....	580.48	.....	.....	.....	1,387.31
		$6,526.71	$374.36	$374.76	$374.76	$716.28	.....	$5,047.72	.....	$1,022.59	.....	.....	.....	$14,436.38

WASHINGTON COUNTY.

Nov. 27, 1893..	20,777	$748.36	$34.01	$34.01	$34.01	$34.01	.....	$337.30	.....	.....	.....	.....	.....	$1,221.70
Nov. 27, 1893..	20,718	.....	.....	.....	.....	.....	$229.50	270.33	.....	.....	.....	.....	.....	499.83
Mar. 24, 1894..	21,070	.....	.....	.....	.....	.....	170.00	15.73	.....	.....	.....	.....	.....	185.73
Mar. 24, 1894..	21,072	4,370.83	246.49	246.49	246.49	455.13	.....	2,467.46	.....	$312.97	.....	.....	.....	8,354.86
July 10, 1894..	22,823	12,105.13	704.14	704.14	704.14	1,391.36	.....	7,047.19	.....	1,016.10	.....	.....	.....	23,662.20
July 10, 1894..	22,822	.....	.....	.....	.....	.....	.....	540.55	.....	.....	.....	.....	.....	540.55
		$17,233.82	$984.64	$984.64	$984.64	$1,870.50	$399.50	$10,678.56	.....	$1,329.07	.....	.....	.....	$34,464.87

WATONWAN COUNTY.

Aug. 1, 1893..	20,492	.....	.....	.....	.....	.....	$2,580.00	$1,779.09	.....	$393.97	.....	.....	.....	$4,753.06
Dec. 7, 1893..	20,731	.....	.....	.....	.....	.....	.....	443.48	$340.00	99.05	.....	.....	.....	882.53
Dec. 7, 1893..	20,786	$247.57	$11.25	$11.25	$11.25	$11.25	.....	110.01	.....	.....	.....	.....	.....	402.58
Mar. 30, 1894..	21,103	.....	.....	.....	.....	.....	1,139.00	503.21	680.00	223.97	.....	.....	.....	2,546.18
Mar. 30, 1894..	21,106	1,625.00	89.10	89.10	89.10	156.18	.....	892.99	.....	100.66	.....	.....	.....	3,042.13
July 11, 1894..	22,840	.....	.....	.....	.....	.....	2,584.00	1,864.44	270.00	336.95	.....	.....	.....	5,055.39
July 11, 1894..	22,843	3,286.50	191.11	191.11	191.11	374.70	.....	1,913.62	.....	275.28	.....	.....	.....	6,423.43
		$5,159.07	$291.46	$291.46	$291.46	$542.13	$6,303.00	$7,506.84	$1,290.00	$1,429.88	.....	.....	.....	$23,105.30

STATEMENT "A"— *Continued.*

WILKIN COUNTY.

Date of Payment.	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Sept. 1, 1893..	20,585	$554.50												$554.50
Dec. 12, 1893..	20,710	280.94	$12.76	$12.76	$12.76	$12.76		$132.42						464.40
Dec. 12, 1893..	20,822							475.11						475.11
Feb. 21, 1894..	20,963										$60.00	$17.38		77.38
Mar. 24, 1894..	21,010							1,103.91		$88.25				1,187.16
Mar. 24, 1894..	21,019	1,277.17	66.23	66.23	66.23	102.24		618.98		46.98				2,244.06
June 22, 1894..	22,608							1,850.02		501.52		$117.75	$12.10	2,481.39
June 22, 1894..	22,759						$60.00	17.81			330.00	97.99		505.80
June 22, 1894..	22,743	49.27												49.27
June 22, 1894..	22,742	1,452.83	81.89	81.89	81.89	151.68		821.67						2,671.85
		$3,614.71	$160.88	$160.88	$160.88	$266.68	$60.00	$5,019.92		$631.75	$390.00	$233.12	$12.10	$10,710.92

WINONA COUNTY.

Nov. 22, 1893..	20,707	$477.73	$21.71	$27.71	$21.71	$21.71		$168.36						$782.98
Nov. 22, 1893..	20,721							120.87						120.87
Mar. 24, 1894..	21,060						$375.00	59.50						434.50
Mar. 24, 1894..	21,064	5,692.22	329.82	329.82	329.82	642.59		3,297.42		$469.16				11,090.85
July 2, 1894..	22,853	14,519.43	851.02	851.02	851.02	1,691.67		8,512.42		1,260.46				28,537.04
July 2, 1894..	22,852						1,255.00	926.27						2,181.27
		$20,689.38	$1,202.55	$1,202.55	$1,202.55	$2,355.97	$1,630.00	$13,084.84		$1,729.62				$43,097.46

WRIGHT COUNTY.

Dec. 4, 1893..	20,753						$140.00	$155.84		$34.84				$330.68
Dec. 4, 1893..	20,754	$600.74	$27.30	$27.30	$27.30	$27.30		275.85						985.29
Apr. 11, 1894..	21,148						284.00	368.16	$412.58	133.84				1,198.58
Apr. 11, 1894..	21,147	3,500.93	189.22	189.22	189.22	321.67		1,895.51		199.11				6,484.88
July 10, 1894..	22,826	4,925.19	284.86	284.86	284.86	553.26		2,851.94		402.73				9,587.70
July 10, 1894..	22,825						192.00	877.73	27.98	526.97			$9.55	1,634.23
		$9,026.86	$501.38	$501.38	$501.38	$902.23	$616.00	$6,424.53	$440.56	$1,297.49			$9.55	$20,221.36

YELLOW MEDICINE COUNTY.

Date of Payment	No. Auditor's Drafts.	Revenue.	Soldiers' Relief.	Forestry.	Redemption.	Funding Tax.	Permanent School.	General School.	Permanent University.	General University.	Internal Improvement Land Fund.	Internal Improvement Land Fund Interest.	State Institutions.	Total.
Aug. 9, 1893..	20,548	$50.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$50.00
Dec. 7, 1893..	20,804	611.84	$27.81	$27.81	$27.81	$27.81	.....	$274.13	.....	.....	.....	.....	.....	997.21
Dec. 7, 1894..	20,802	.....	.....	.....	.....	.....	$407.60	1,161.41	.....	.....	.....	.....	.....	1,569.01
Mar. 27, 1894..	21,073	.....	.....	.....	.....	.....	.....	1,917.01	.....	.....	.....	.....	.....	1,917.01
Mar. 27, 1894..	21,076	2,642.15	139.06	139.06	139.06	222.54	.....	1,391.84	.....	$125.24	.....	.....	.....	4,798.95
July 14, 1894..	22,854	3,658.71	207.50	207.50	207.50	388.78	.....	2,077.04	.....	271.73	.....	.....	.....	7,018.76
July 14, 1894..	22,789	.....	.....	.....	.....	.....	1,054.00	4,883.37	.....	.....	.....	.....	.....	5,937.37
		$6,962.70	$374.37	$374.37	$374.37	$639.13	$1,461.60	$11,704.80	.....	$396.97	.....	.....	.....	$22,288.31

STATEMENT "B." Receipts into the Treasury from Railroad Companies.

Date of Payment	From What Source Received.	No Auditor's Draft.	Revenue.
1893.			
Aug. 10..	C., St. P., M. & O. Ry. Co., 3 per cent on line from Wisconsin state line to Iowa state line, 6 months, ending June 30, 1893.	20,535	$44,436.63
Aug. 10..	C., St. P., M. & O. Ry. Co., 2 per cent on line from Rices Point to Duluth, 6 months, ending June 30, 1893.....	20,536	303.98
Aug. 4..	St. Paul & Duluth Ry. Co., 3 per cent on line from St. Paul to Duluth and branches, 6 months, ending June 30, 1893.....	20,537	23,238.44
Aug. 4..	Minneapolis & Duluth Ry. Co., 3 per cent on line from Minneapolis to White Bear, 6 months, ending June 30, 1893.....	20,538	912.21
Aug. 4..	Taylors Falls & Lake Superior Ry. Co., 3 per cent on line from Wyoming to Taylors Falls, 6 months, ending June 30, 1893....	20,539	252.88
Aug. 4..	Grantsburg, Rush City & St. Cloud Ry. Co., 2 per cent on line from Rush City to St. Croix River, 6 mos., end. June 30, 1893.	20,540	26.60
Sept. 7...	Duluth, Missabe & Northern Ry. Co., 1 per cent on line from Stony Brook to Mountain Iron Co., 6 mos., ending June 30, 1893.	20,541	737.89
Oct. 7....	Willmar & Sioux Falls Ry. Co., 2 per cent on line from Willmar to South Dakota, 6 months, ending June 30, 1893.....	20,553	3,744.95
Oct. 7....	Eastern Railway of Minnesota, 2 and 3 per cent on line from St. Paul to Wisconsin line, 6 months, ending June 30, 1893.....	20,554	9,250.90
Oct. 11..	Great Northern Ry. Co., account tax.....	20,552	25,000.00
Oct. 31...	Great Northern Ry. Co., account tax.....	20,552	25,000.00
Nov. 11..	Great Northern Ry. Co., balance 3 per cent on line from St. Paul to St. Vincent, etc., 6 months, ending June 30, 1893.....	20,553	88,973.12
1894.			
Jan. 29..	Minneapolis Eastern Railway Co., 3 per cent on line in city of Minneapolis, year ending Dec. 31, 1893.....	20,897	1,350.53
Feb. 6..	Duluth & Iron Range Ry. Co., 2 per cent on line to Ely, Allan Junction to McKinley, McKinley to Virginia, and trackage in city of Duluth, year ending Dec. 31, 1893.....	20,899	24,057.29

STATEMENT "B"—Receipts into the Treasury from Railroad Companies.—*Continued.*

Date of Payment	From What Source Received	No Auditor's Draft.	Revenue.
Feb. 7..	Chicago & Northwestern Ry. Co., 3 per cent on line from Winona & St. Peter railroad and branch lines, ending Dec. 31, 1893.	20,910	60,780 39
Feb. 8..	Burlington, Cedar Rapids & Northern Ry. Co., 2 per cent on line from state line to Ellsworth, year ending Dec. 31, 1893.....	20,915	98.26
Feb. 8..	Burlington, Cedar Rapids & Northern Ry. Co., 3 per cent on line from state line to Albert Lea and Worthington, year ending Dec. 31, 1893.....	20,917	2,821.46
Feb. 8..	Burlington, Cedar Rapids & Northern Ry. Co., 2 per cent on line from state line to state line, South Dakota, year ending Dec. 31, 1893.....	20,916	2,352.25
Feb. 10..	Chicago, St. Paul, Minneapolis & Omaha Ry. Co., 2 per cent on line from Rices Point to Duluth, 6 mos., end. Dec. 31, 1893..	20,913	353.74
Feb. 10..	Chicago, St. Paul, Minneapolis & Omaha Ry. Co., 3 per cent on line from Wisconsin state line to Iowa state line 6 months, ending Dec. 31, 1893.....	20,914	56,271.07
Feb. 10..	Minnesota Transfer Railway Co., 2 per cent on line from Minnesota Transfer to St. Paul, year ending Dec. 31, 1893.....	20,933	20.66
Feb. 13..	Duluth Transfer Railway Co., 1 per cent on line from Duluth to West Duluth, year ending Dec. 31, 1893.....	20,883	70.99
Feb. 17..	Duluth, Missabe & Northern Ry. Co., 1 per cent on line from Missabe Junction and Stony Brook to Mountain Iron, Virginia, Biwabik and Hibbing, 6 months, ending Dec. 31, 1893.....	20,901	4,391.44
Feb. 17..	Chicago, Burlington & Northern Ry. Co., 2 and 3 per cent on line from Minneapolis to Wisconsin state line and from Wisconsin state line to Winona, year ending Dec. 31, 1893.....	20,921	4,998.19
Feb. 17..	Chicago, Milwaukee & St. Paul Ry. Co., 2 per cent on line from Ortonville to South Dakota line, year ending Dec. 31, 1893..	20,931	1,037.07
Feb. 17..	Minneapolis Western Railway Co., 1 per cent on line between points in Hennepin county, year ending Dec. 31, 1893.....	20,891	310.85
Feb. 16..	Railway Transfer Co. of Minneapolis, 3 per cent on line, year ending Dec. 31, 1893.....	20,922	3,704.46
Feb. 21..	Minn. Belt Line Railway & Transfer Co., 1 and 2 cent on line from St. Anthony Park to Minneapolis stock yards, year ending Dec. 31, 1893.....	20,911	416.61
Feb. 24..	St. Paul & Duluth Railroad Co., 3 per cent on line between points as stated, 6 months, ending Dec. 31, 1893.....	20,936	24,688.31
Feb. 24..	Taylors Falls & Lake Superior Railroad Co., 3 per cent on line from Wyoming to Taylors Falls, 6 mos., ending Dec. 31, 1893..	20,937	298.13
Feb. 24..	Minneapolis & Duluth Railroad Co., 3 per cent on line from Minneapolis to White Bear, 6 months, ending Dec. 31, 1893.....	20,938	1,217.15
Feb. 24..	Grantsburg, Rush City & St. Cloud Railroad Co., 2 per cent on line from Rush City to St. Croix River, 6 months, ending Dec. 31, 1893.....	20,939	29.94
Feb. 26..	Dubuque & Sioux City Railroad Co., 3 per cent on line from Iowa state line to South Dakota state line, year ending Dec. 31, 1893.....	20,973	283.77
March 2.	Wisconsin, Minnesota & Pacific Ry. Co., 2 per cent on line between points as stated, year ending Dec. 31, 1893.....	20,957	5,435.39
March 2.	Minneapolis & St. Louis Ry., 3 per cent on line between points as stated, year ending Dec. 31, 1893.....	20,956	42,555.83
Feb. 17..	Chicago, Milwaukee & St. Paul Ry. Co., account tax.....	20,930	48,962.93
Feb. 19..	Chicago, Milwaukee & St. Paul Ry. Co., account tax.....	20,930	50,000.00
March 3.	Chicago, Milwaukee & St. Paul Ry. Co., balance 3 per cent on line between points as stated, year ending Dec. 31, 1893.....	20,930	88,066.69
March 10.	North Star Construction Co., operating Duluth & Winnipeg Railroad Co., 2 per cent on line from state line near New Duluth to Deer River.....	20,970	4,539.44
March 24.	Sioux City & Northern Railroad Co., 1 and 2 per cent on line from Iowa state line to South Dakota state line, year ending Dec. 31, 1893.....	20,990	731.85
April 2..	Winona & Southwestern Ry. Co., 2 per cent on line from Winona to Iowa state line, period ending Dec. 31, 1893.....	20,925	216.96
April 2..	Winona & Southwestern Ry. Co., 2 per cent on line from Winona to Iowa state line, period ending Nov. 20, 1893.....	20,924	2,164.62
April 3..	Minneapolis, St. Paul & Sault Ste. Marie Ry. Co., 2 per cent on line from Wisconsin line to North Dakota line, year ending Dec. 31, 1893.....	21,083	20,181.01
April 6..	Wisconsin Central Co., 2 and 3 per cent on line from Wisconsin state line to Minneapolis, year ending Dec. 31, 1893.....	20,935	3,306.28
April 5..	Winona Bridge Ry. Co., 1 per cent on line from Winona to Wisconsin state line, 11 months, ending Nov. 30, 1893.....	20,926	105.59
April 16..	Eastern Railway of Minnesota, 2 and 3 per cent on line between St. Paul and Minneapolis and Wisconsin state line, 6 mos., ending Dec. 31, 1893.....	20,947	15,512.15

April 14..	Duluth Belt Line Ry. Co., 1 per cent on line from Central Avenue Station to Bay View Heights, year ending Dec. 31, 1890.	20,952	15.78
April 14..	Duluth Belt Line Ry. Co., 2 per cent on line from Central Avenue Station to Bay View Heights, year ending Dec. 31, 1898.	20,955	32.10
April 14..	Duluth Belt Line Ry. Co., 1 per cent on line from Central Avenue Station to Bay View Heights, 3 months, ending Dec. 31, 1889	20,951	1.98
April 14..	Duluth Belt Line Ry. Co., 1 per cent on line from Central Avenue Station to Bay View Heights, year ending Dec. 31, 1892.	20,954	14.99
April 14..	Duluth Belt Line Ry. Co., 1 per cent on line from Central Avenue Station to Bay View Heights, year ending Dec. 31, 1891.	20,953	14.56
May 15..	Great Northern Ry. Co., account tax	20,945	40,000.00
May 19..	Northern Pacific Ry. Co., 2 and 3 per cent on line from Brainerd to Minneapolis and Little Falls to Staples, year ending Dec. 31, 1893	20,990	43,211.19
May 19..	Northern Pacific Ry. Co., 3 per cent on line from Minneapolis to St. Paul, year ending Dec. 31, 1893	.....	2,209.37
May 19..	Northern Pacific Ry. Co., 1 and 2 per cent on line from Fertile to Carthage, year ending Dec. 31, 1893	20,989	4,366.23
May 19..	Northern Pacific Ry. Co., 3 per cent on line from Wadena Junction to Breckenridge, year ending Dec. 31, 1893	20,987	4,419.11
May 19..	Duluth & Manitoba Railroad Co., 2 per cent on line from Winnipeg Junction to Red River, year ending Dec. 31, 1893	20,988	3,561.21
May 19..	Little Falls & Dakota Railroad, 3 per cent on line from Little Falls to Morris, year ending Dec. 31, 1893	20,986	2,974.78
May 18..	Chicago Great Western Ry. Co., 2 and 3 per cent on line from Minneapolis to Iowa state line (near Taopi), and from Hayfield Junction to Lyle, Minn., year ending Dec. 31, 1893	20,896	13,273.30
May 21..	Great Northern Ry. Co., account tax	20,945	25,000.00
June 23..	Duluth, Red Wing & Southern Railroad Co., 2 per cent on line from Red Wing to Zumbrota, year ending Dec. 31, 1893	20,912	1,375.24
June 25..	Willmar & Sioux Falls Ry. Co., 2 per cent on line between Willmar and South Dakota line, 6 months, ending Dec. 31, 1893.	20,946	5,956.59
July 23..	Great Northern Ry. Co., account tax	20,941	25,000.00
July 30..	Treasurer Duluth, Missabe & Northern Ry. Co., 1 per cent on line from Stony Brook to Mountain Iron and branches, 6 mos., ending June 30, 1894	22,934	3,046.61
Total.		.....	$817,683.39

STATEMENT "C."

RECEIPTS INTO THE TREASURY FROM STUMPAGE ON STATE LANDS.

Date of Payment.	FROM WHAT SOURCE RECEIVED.	Auditor's Draft.	Permanent School.	Gen'ral School.	Permanent University.	Internal Improvement Land Fund.	State Institutions.	Swamp Land Fund.	Total.
1894.									
Aug. 1..	Wm. O'Brien, account timber cut 1892-1893	20,275	$2,500.00						$2,500.00
Aug. 2..	Knox & De Laittre, timber cut 1892-93, sec 18-49-25	20,227					$52.13		52.13
Aug. 4..	F. L. Murray, timber cut 1892-93, sec. 16-63-17	19,992	306.25						306.25
Aug. 18..	Fred. Pennington, timber cut 1892-93, sec. 16-43-24	18,887	293.53						293.53
Aug. 21..	James Mulvey, account timber cut 1892-93	18,916	500.00						500.00
Aug. 23..	C. A. Smith & Co., timber cut 1892-3, sec. 26-54-23	20,226					132.88		132.88
Aug. 23..	C. A. Smith & Co., timber cut 1892-93, sec. 17-138-29, and 19-138-29.	20,237	153.97						153.97
Aug. 25..	Noah Adams, timber cut 1892-93, sec. 39-25	20,576			$500.00				500.00
Aug. 22..	C. A. Smith, account timber cut 1892-93, sec. 36-42-26	18,959	213.15						213.15
Sept. 1..	G. H. Cunningham, timber cut 1891-92, sec. 36-45-20	20,587	75.40						75.40
Sept. 2..	Bovey-De Laittre Lumber Co., timber cut 1892-93, sec. 20-53-26	19,994						$149.20	149.20
Sept. 2..	Tobias Coblentz, timber cut 1892-93, sec. 16-133-30	20,591	3.00						3.00
Sept. 5..	Sam. Mathews, timber cut 1892-93, sec. 16-46-16	20,588	8.25						8.25
Sept. 5..	A. Gowan, account timber cut 1892-93	18,915	1,000.00						1,000.00
Sept. 6..	Gull River Lumber Co., account timber cut 1892-93	20,234	1,236.33						1,236.33
Sept. 8..	W. A. Rogers, timber cut 1892-93, sec. 24-52-24	20,602					22.50		22.50
Sept. 11..	David Tozer, account timber cut 1892-3	18,911	2,000.00						2,000.00
Sept. 13..	Eugene O'Neal, account timber cut 1892-93	19,990	1,000.00						1,000.00
Sept. 14..	S. Reynolds, timber cut 1892-93, sec. 36-132-34	20,606	47.30						47.30
Sept. 19..	Noah Adams, timber cut 1892-93, sec. — 39-25	20,616			600.00				600.00
Sept. 23..	St. Anthony Lumber Co., timber cut 1892-93, sec. 36-139-28	20,261	649.72						649.72
Sept. 23..	St. Anthony Lumber Co., timber cut 1892-93, sec. 16-139-28	20,262	460.85						460.85
Sept. 23..	St. Anthony Lumber Co., timber cut 1892-93, sec. 16-140-27	20,387	507.52						507.52
Sept. 22..	Morris Thomas, account timber cut 1892-93	18,893	500.00						500.00
Oct. 4..	A. Gowan, account timber cut 1892-93	18,937	1,000.00						1,000.00
Oct. 5..	J. J. Howe, timber cut 1892-93, lot 2, sec. 34-47-26	20,495					47.02		47.02
Oct. 5..	David Tozer, account timber cut 1892-93	20,493	1,000.00						1,000.00
Oct. 5..	J. J. Howe, timber cut 1892-93, sec. 36-47-26	18,911	25.11						25.11
Oct. 9..	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 36-138-34	20,470	257.82						257.82
Oct. 9..	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 36-137-33	20,471	106.74						106.74
Oct. 10..	H. C. Davis, timber cut 1892-93, sec. 36-42 21	18,885	271.88						271.88
Oct. 11..	Knox & De Laittre, timber cut 1892-93, sec. 10-46-26	20,624					86.65		86.65
Oct. 11..	Eardale & Wolf, timber cut 1892-93, secs. 2-57-19, 4-57-19, 2-57-20, 4-57-20, 22-57-18	20,688					178.75		178.75
Oct. 11..	Eardale & Wolf, ties cut 1892-93, sec. 33-58-19, 36-58-19	20,689	40.00						40.00
Oct. 11..	A. Gowan, account timber cut 1892-93	18,937	2.15						2.15
Oct. 11..	A. Gowan, balance timber cut 1892-93, sec. 36-42-25	18,915	2,997.85						2,997.85
Oct. 11..	James Mulvey, balance timber cut 1892-93, sec. 36-42-25	18,916	1,624.60						1,624.60
Oct. 18..	Eugene O'Neal, account timber cut 1892-93	19,990	500.00						500.00
Oct. 18..	Thomas & Louden, account timber cut 1892-93	18,989	624.14						624.14

Oct.	25..	A. Gowan, account timber cut 1892-93	18,936	2,000.00					2,000.00
Oct.	27..	H. C. Davis, timber cut 1892-93, sec. 34-43-21	18,879	324.59					324.59
Oct.	27..	H. F. Brown, timber cut 1892-93, sec. 2-54-23	20,231		286.00				286.00
Oct.	27..	A. Gowan, timber cut 1892-93, sec. 16-53-18	18,917	3,495.96					3,495.96
Oct.	28..	T. R. Foley, timber cut 1892-93, sec. 16-49-27	20,221	131.46					131.46
Oct.	28..	A. Gowan, balance timber cut 1892-93, sec. 36-54-16	18,937	1,582.96					1,582.96
Oct.	28..	T. R. Foley, timber cut 1892-93, sec. 16-48-24	18,962	259.74					259.74
Oct.	28..	T. R. Foley, account timber cut 1892-93	18,977	108.80					108.80
Oct.	30..	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 26-40-33	20,572						88.29
Oct.	30..	H. C. Ackley Lumber Co., timber cut 1892-93, sec 26-138-34	20,573				88.29		147.88
Oct.	30..	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 36-140-33	20,571	98.83					98.83
Oct.	30..	De nis Boyle, account timber cut 1892-93	20,397	500.00					500.00
Oct.	10..	Noah Adams, account timber cut 1892-93	20,632		750.80				750.80
Nov.	1..	Wm. O'Brien, account timber cut 1892-93	20,275	2,000.00					2,000.00
Nov.	3..	A. B. Cole, timber cut 1892-93, secs. 16-133-29, $24.75; 16-133-30, $15.75; 16-132-31, $18.75; 36-133-32, $9.75	20,640	68.70					68.70
Nov.	3..	A. B. Cole, timber cut 1892-93, sec. 14-133-29	20,641					48.00	48.00
Nov.	6..	Holmes & Brown, timber cut 1892-93, sec. 36-133-30	20,655	14.75					14.75
Nov.	6..	W. H. McDonald, timber cut 1892-93, sec. 16-56-18	18,934	1,495.81					1,495.81
Nov.	7..	L. Buldere & Co., timber cut 1892-93, secs. 2-57-19, 2-57-19, 4-57-20	20,672				84.32		84.32
Nov.	10..	A. Gowan, account timber cut 1892-93	18,936	3,000.00					3,000.00
Nov.	14..	E. W. Backus, timber cut 1892-93, sec. 16-138-31	20,254	174.53					174.53
Nov.	14..	E. W. Backus, timber cut 1892-93, sec. 36-138-31	20,255	168.57					168.57
Nov.	14..	E. W. Bacus, timber cut 1892-93, sec. 34-139-29	20,256			$406.38			406.38
Nov.	14 .	E. W. Backus, timber cut 1891-92, sec. 32-139-30	17,689				575.01		575.01
Nov.	14..	E. W. Backus, timber cut 1891-92, sec. 16-138-31	17,687	2,113.15					2,113.15
Nov.	14..	E. W. Backus; timber cut 1891-92, sec. 27-139-29	17,686			12,091.56			12,091.56
Nov.	14..	R. J. Lizee & Co., pass, sec. — 53-18	20,713					387.50	387.50
Nov.	15..	A. Gowan, balance timber cut 1892-93, sec. 16-50-16	18,936	3,330.32					3,330.32
Nov.	17..	Powers & Dwyer, account timber cut 1892-93, sec. 14-56-23	20,559		500.00				500.00
Nov.	22..	A. Gowan, timber cut 1892-93, sec. 16-54-13	18,938	11,713.60					11,713.60
Nov.	22..	F. W. Bonness, timber cut 1892-93, sec. 36-146-25	18,971	685.57					685.57
Nov.	22..	F. W. Bonness, timber cut 1892-93, sec. 36-145-25	20,238	247.36					247.36
Nov.	23..	H. C. Clark, timber cut 1892-93, sec. 29-57-23	20,376	1,927.00					1,927.00
Nov.	24..	Eugene O'Neal, account timber cut 1892-93, sec. 36-43-19	19,990	346.84					346.84
Nov.	24..	Eugene O'Neal, account timber cut 1892-93	19,991	153.16					153.16
Nov.	25..	David Tozer, balance timber cut 1892-93, sec. 16-44-17	18,911	2,394.34					2,394.34
Nov.	25..	Martin, Caine & Co., timber cut 1892-93, sec. 16-47-20	20,563	119.18					119.18
Nov.	25..	Martin, Craine & Co., timber cut 1892-93, sec. 36-46-20	20,565	330.76					330.76
Nov.	25..	Martin, Craine & Co., timber cut 1892-93, sec. 16-45-20	20,564	158.37					158.37
Nov.	25..	Martin, Craine & Co., timber cut 1892-93, sec. 16-48-20	20,566	102.94					102.94
Nov.	25..	Martin, Craine & Co., timber cut 1892-93, sec. 16-46-20	20,567	100.50					100.50
Nov.	28..	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 34-140-33	20,568				$135.27		135.27
Nov.	28..	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 16-140-33	20,569	548.22					548.22
Nov.	28..	J. P. Simms, timber cut 1892-1893, sec. 16-58-24	18,958	426.30					426.30
Nov.	28..	H. C. Davis, timber cut 1892-93, sec. 2-42-21	18,880	552.61					552.61
Nov.	28..	C. A. Smith & Co., timber cut 1892-93, sec. 36-42-27	18,978	1,510.80					1,510.80
Nov.	28..	C. A. Smith & Co., timber cut 1892-93, sec. 13-139-30	20,235	461.02					461.02
Nov.	29..	A. H. Powers, timber cut 1892-93, sec. 20-56-23	20,557				87.90		87.90
Nov.	29..	Bovey-De Laittre Lumber Co., timber cut 1892-93, sec. 36-53-26	19,995	513.77					513.77
Nov.	24..	S. Mathews, account timber cut 1892-93	20,518	500.00					500.00
Dec.	4..	W. I. Millikin, timber cut 1892-93, sec. 16-53-23	18,965	283.57					283.57
Dec.	4..	Gull River Lumber Co., balance timber cut 1892-93, sec. 16-137-31	20,234	1,236.33					1,236.33

STATEMENT "C."—*Continued.*

Date of Payment.	From What Source.	Auditor's Draft.	Permanent School.	General School.	Permanent University.	Internal Improvement Land Fund.	State Institutions.	Swamp Land Fund.	Total.
Dec. 6..	T. H. Shevline, timber cut 1892-93, sec. 16-45-17..	18,898	1,822.45						1,822.45
Dec. 6..	J. J. Howe, timber cut 1892-93, sec. 36-138-25..	20,551	119.42						119.42
Dec. 7..	F. W. Bonness, timber cut 1892-93, sec. 36-144-26..	18,974	1,579.70						1,579.70
Dec. 7..	F. W. Bonness, timber cut 1892-93, sec. 16-48-22..	18,979	296.54						296.54
Dec. 7..	F. W. Bonness, timber cut 1892-93, sec. 36-40-22..	18,980	163.46						163.46
Dec. 7..	F. W. Bonness, timber cut 1892-93, sec. 18-49-24..	20,229					63.05		63.05
Dec. 7..	F. W. Bonness, timber cut 1892-93, sec. 8-143-25..	20,595					108.50		108.50
Dec. 7..	Ed. St. John, balance timber cut 1892-93, sec. 16-42-18..	20,315	1,218.60						1,218.60
Dec. 8..	Hall-Ducey Lumber Co., timber cut 1892-93, sec. 36-45-18	18,897	2,401.92						2,401.92
Dec. 8..	Buldock & Co., timber cut 1892-93, sec. 36-58-19..	20,825	72.42						72.42
Dec. 11..	M. J. Peppard, timber cut 1892-93, sec. 36-58-19..	20,830	102.46						102.46
Dec. 13.	C. A. Smith & Co., timber cut 1892-93, sec. 12-139-30..	20,236	1,766.52						1,766.52
Dec. 14..	Thomas & Louden, balance timber cut 1892-93, sec. 36-54-10..	18,939	600.00						600.00
Dec. 14..	M. Thomas, timber cut 1892-93, sec. 16-53-11..	18,935	50.00						50.00
Dec. 18..	Wm. O'Brien, balance timber cut 1892-93, sec. 16-41-19..	20,275	988.71						988.71
Dec. 19..	Eugene O'Neal, account timber cut 1892-93..	19,991	500.00						500.00
Dec. 27..	Cloquet Lumber Co., timber cut 1892-93, sec. 16-54-19..	18,905	1,591.81						1,591.81
Dec. 20..	W. T. Bailey, timber cut 1892-93, sec. 16-62-23..	18,945	487.98						487.98
Dec. 28..	E. C. Louy & Co., timber cut 1892-93, secs. 6-46 25, 32-47-25..	18,933					132.50		132.50
Jan. 4...	Knox & De Laittre, timber cut 1892-93, sec. 10-48-22..	20,864						36.17	36.17
Jan. 4...	E. L. Douglas, timber cut 1892-93, sec. 32-48-22..	20,871						37.50	37.50
Jan. 4...	Eugene O'Neal, account timber cut 1892-93..	19,991	1,000.00						1,000.00
Jan. 6...	H. C. Davis, balance timber cut 1892-93, sec. 22-..	18,882	500.00						500.00
Jan. 8...	A. Gowan, timber cut 1892-93, sec. 16-50-16..	20,874	50.00						50.00
Jan. 9...	Geo. W. Knox, timber cut 1892-93, sec. 6-137-25..	20,239					210.05		210.05
Jan. 10...	Knox & De Laittre, timber cut 1892-93, sec. 16-46-24..	18,903	480.53						480.53
Jan. 13...	T. B. Walker, timber cut 1892-93, sec. 16-141-32..	18,975	2,073.30						2,073.30
Jan. 16...	J. P. Simms, timber cut 1892-93, sec. 16-57-25..	18,961	942.84						942.84
Jan. 17...	Dennis Boyle, account timber cut 1892-93..	20,397	423.07						423.07
Jan. 17...	Howe Lumber Co., timber cut 1892-93, sec. 12-63-18..	20,873	315.00						315.00
Jan. 17...	Howe Lumber Co., timber cut 1892-93, sec. 24-63-18..	20,872	247.50						247.50
Jan. 19...	Earsdale & Wolf, timber cut 1892-93, sec. 35-58-18..	20,884	65.00						65.00
Jan. 19...	Earsdale & Wolf, timber cut 1892-93, sec. 36-58-19..	20,885	100.00						100.00
Jan. 19...	H. C. Ackley Lumber Co., timber cut 1892-93, sec. 36-141-33..	20,570	580.45						580.45
Jan. 20..	Knox & De Laittre, timber cut 1892-93, sec. 36-47-27..	20,260	38.08						38.08
Jan. 20..	G. W. Knox, timber cut 1892-93, sec. 36-49-23..	20,259	26.61						26.62
Jan. 23..	H. C. Davis, balance timber cut 1892-93, sec. 22-42-21..	18,882	1,095.82						1,095.82
Jan. 24..	Eugene O'Neal, balance timber cut 1892-93, sec. 16-42-19..	19,991	512.18						512.18
Jan. 30..	Williston, Channley & Co., account timber cut 1892-93..	18,270	1,000.00						1,000.00
Feb. 6..	F. R. Foley, timber cut 1892-93, sec. 22-46-25..	20,920					20.54		20.54
Feb. 18..	H. W. Baker, timber cut 1892-93, sec. 12-51-21..	18,760					93.40		93.40
Feb. 13..	Foley Bros. & Gurbue, timber cut 1892-93, sec. 36-141-34..	20,948	125.00						125.00

Feb. 19..	W. I. Millikin, timber cut 1892-93, sec. 5-53-28	20,961						60.00	60.00
Feb. 20..	A. Erlandsen, timber cut 1892-93, sec. 36-48-18	20,965	1,440.00						1,440.00
Feb. 20..	A. Erlandsen, interest on draft 20,965	20,966		270					270.00
Feb. 21..	Knox & De Laittre, timber cut 1892-93, sec. 14-48-22	20,232					136.84		136.84
Feb. 21..	W. T. Bailey, timber cut 1892-93, sec. 16-61-22	20,607	357.80						357.80
Feb. 21..	Powers & Dwyer, timber cut 1892-93, sec. 18-56-22	20,560			1,489.78				1,489.78
Feb. 21..	E. C. Long & Co.		32.00						32.00
Feb. 21..	Powers & Dwyer, balance timber cut 1892-93, sec. 14-56-23	20,559			1,453.10				1,453.10
Feb. 21..	Powers & Dwyer, account timber cut 1892-93	20,558			500.00				500.00
Feb. 23..	Dennis Boyle, timber cut 1892-93, sec. 36-45-18	20,398	1,346.00						1,346.00
Feb. 26..	A. Atherlon, timber cut 1893-94, sec. 36-135-29	20,967	6.45						6.45
Feb. 8..	M. Thomas, account timber cut 1893-94	18,893	1,500.00						1,500.00
Mar. 6...	Ole Hedine, timber cut 1893-94, sec. 28-49-22	21,002					10.00		10.00
Mar. 10...	Williston, Channley & Co., account timber cut 1891-92, sec. 16-59-14.	18,270	1,000.00						1,000.00
Mar. 14...	Duluth, Missabe & Northern Ry., timber cut trespass, sec. 2-59-24	20,747						125.00	125.00
Mar. 24...	F. R. Foley, timber cut, sec. 32-59-24	21,090	59.92						59.92
Mar. 26...	F. R. Foley, timber cut, sec. 16-141-25	21,102	1,330.02						1,330.02
April 4...	J. W. Johnson, timber cut, sec. 36-40-29	21,136	306.11						306.11
April 4...	Williston, Channley & Co., balance timber cut 1891-92, sec. 16-59-14	18,270	1,303.31						1,303.31
April 4...	F. W. Bonness, timber cut 1892-1893	20,229					.50		.50
April 7...	J. J. McDonald, error in draft No. 15,423	21,164	10.00						10.00
April 9...	Otis Staples, timber cut 1892-93, sec. 16-48-19	20,612	3,025.16						3,025.16
April 12...	Powers & Dwyer, balance timber cut 1892 93. R. 56, T. 23	20,558			412.34				412.34
April 14...	T. H. Sheelin, timber cut 1893-94, sec. 16-45-17	21,190	1,958.28						1,958.28
April 18...	Peter Ehr, timber cut 1893-94, sec. 28-46-20	21,189					15.85		15.85
April 20...	Gov. Knute Nelson, settlement of suit instituted against C. A.Smith & Co., sec. 36-42-26	21,226	8,062.48						8,062.48
April 21...	F. S. Gibert, account timber ut 1893-94	21,191	500.00						500.00
April 24...	Sam. Mathews, account timber cut 1893-94	20,518	500.00						500.00
May 1..	A. Poubon, timber cut 1893-94, sec. 36-32-21	21,243	22.50						22.50
May 1..	David Tozer, timber cut 1893-94, sec. 16-44-17	21,213	451.92						451.92
May 1..	Powers & Dwyer, timber cut 1892-93, sec. 35-57-22	20,562			1,113.54				1,113.54
May 2..	Sam. McCun, timber cut 1893-94, sec. 16-41-22	21,206	373.07						373.07
May 2..	Peter Ehr, timber cut 1893-94, sec. 16-46-19	21,229	48.13						48.13
May 2..	Sam. McCune, timber cut 1893-94, sec. 36-43-24	21,207	753.62						753.62
May 2..	Sam. McCune, timber cut 1893-94, sec. 36-41-23	21,205	48.57						48.57
May 2..	F. R. Foley, account timber cut 1892-93	20,000	2,536.04						2,536.04
May 8..	Martin Caine & Co., timber cut 1893-94, sec. 16-47-20	21,259	75.22						75.22
May 8..	Wm. Sauntry, timber cut 1893-94, sec. 16-45-20	21,260	116.04						116.04
May 8..	F. L. Murray, timber cut 1893-94, sec. 36-63-18	21,242	328.00						328.00
May 8..	F. L. Murray, timber cut 1893-94, sec. 15-63-17	21,236	312.15						312.15
May 8..	A. J. Lizee, timber cut 1893-94, sec. 36-53-18	21,228	47.00						47.00
May 8..	Gus. Sundberg, timber cut 1893-94, sec. 16-45-18	21,188	214.45						214.45
May 8..	Gus. Sundberg, timber cut 1893-94, sec. 16-45-17	21,187	79.70						79.70
May 12..	H. D. Davis, timber cut 1893-94, sec. 34-43-21	21,247	319.35						319.35
May 12..	Holmes & Brown, timber cut 1893-94, sec. 16-48-18	21,235	34.80						34.80
May 12..	Holmes & Brown, timber cut 1893-94, sec. 16-49-20	21,234	168.00						168.00
May 12..	Holmes & Brown, timber cut 1893-94, sec. 16-48-21	21,233	138.54						138.54
May 12..	Holmes & Brown, timber cut 1893-94, sec. 36-48-23	21,232	113.40						113.40
May 12..	Holmes & Brown, timber cut 1893-94, sec. 16-47-23	21,231	119.15						119.15
May 12..	Holmes & Brown, timber cut 1893-94, sec. 36-48-22	21,230	83.20						83.20
May 12..	F. R. Foley, timber cut 1892-93, sec. 36-50-20	18,976	3,000.00						3,000.00

STATEMENT "C."— *Continued.*

Date of Payment.	From What Source Received.	Auditor's Draft.	Pernament School.	General School.	Permanent University.	Internal Improvement Land Fund.	State Institutions.	Swamp Land Fund.	Totol.
1894.									
May 14..	Rutledge Lumber Co., timber cut 1893-94, sec. 36-44-22	21,253	529.47						529.47
May 14..	Rutledge Lumber Co., timber cut 1893-94, sec. 24-44-21	21,256	281.62						281.62
May 14..	Rutledge Lumber Co., timber cut 1893-94, sec. 36-44-21	21,257	208.84						208.84
May 14..	Rutledge Lumber Co., timber cut 1893-94, sec. 30-44-20	21,258	521.00						521.00
May 14..	Rutledge Lumber Co., timber cut 1893-94, sec. 16-43-21	21,255	1,141.30						1,141.30
May 15..	H. D. Davis, timber cut 1893-94, sec. 16-42-21	21,246	277.24						277.24
May 15..	H. D. Davis, timber cut 1893-94, sec. 22-42-21	21,248	129.87						129.87
May 15..	H. D. Davis, timber cut 1893-94, sec. 36-42-21	21,249	135.18						135.18
May 16..	E. W. Bockers, draft 17,687, errors in timber cut 1893-94, sec. 16-138-31	21,133	1,267.89						1,267.89
May 22..	A. C. Wilson & Co., timber cut 1893-94, sec. 9-42-28	21,277	866.91						866.91
May 23..	T. R. Foley, interest on timber drafts No. 18,976, 18,977 and 20,000	21,321		149.52					149.52
May 23..	John Goss, timber cut 1893-1894, sec. 16-41-27	21,282	465.24						465.24
May 23..	F. R. Foley, balance timber cut 1892-93, sec. 36-50-20	18,976	68.07						68.07
May 23..	F. R. Foley, balance timber cut 1892-93, sec. 16-50-20	18,977	1,581.16						1,581.16
May 23..	F. R. Foley, balance timber cut 1892-93, sec. 36-58-23	20,000	1,220.02						1,220.02
May 24..	Chas. McMillan, timber cut 1893-94, sec. 36-42-23	21,210	128.82						128.82
May 24..	H. C. Ackley Lumber Co., timber cut 1893-94, sec. 36-137-33	21,271	151.44						151.44
May 28..	Enoch Arden, timber cut 1893-94, sec. 16-48-18	21,305	222.17						222.17
May 28..	T. H. Sherlin, timber cut 1893-94, sec. 36-56-23	21,327	306.27						306.27
May 28..	Chas. Keith, timber cut 1893-94, sec. 36-41-26	21,280	211.32						211.32
May 28..	E. St. John, timber cut 1893-94, sec. 16-41-17	21,214	42.20						42.20
May 29..	F. L. Murray, timber cut 1893-94, sec. 16-63-15	21,297	1,823.11						1,823.11
May 29..	F. L. Murray, timber cut 1893-94, sec. 20-63-15	21,301	463.95						463.95
May 29..	F. L. Murray, timber cut 1893-94, sec. 15-63-15	21,300	560.50						560.50
May 29..	F. L. Murray, timber cut 1893-94, sec. 18-63-17	21,299	232.23						232.23
May 29..	F. L. Murray, timber cut 1893-94, sec. 8-63-17	21,298	69.78						69.78
May 31..	M. W. McDonald, timber cut 1893-94, sec. 36-51-17	21,349	71.70						71.70
May 31..	Railway Supply Co., timber cut 1893-94, secs. 16-43-17, 16-42-17, 36-42-18, 36-42-17	21,350	116.75						116.75
June 1..	Dennis Boyle, account timber cut 1892-93	20,397	654.00						654.00
June 1..	J. H. Michaelsen, timber cut 1893-94, sec. 16-46-20	21,356	324.55						324.55
June 1..	G. Sundberg, timber cut 1893-94, secs. 16-45-18, 16-45-18, 16-45-17	21,357	476.50						476.50
June 2..	A. Gowan, timber cut 1893-94, sec. 4-49-19	21,132					382.47		382.47
June 2..	A. Gowan, timber cut 1893-94, sec. 6-49-19	21,131					624.63		624.63
June 5..	John Gulhanson, timber cut 1893-94, sec. 16-49-15	21,272	202.09						202.09
June 7..	Northern Supply Co., timber cut 1893-94, sec. 16-51-14	21,376	8.00						8.00
June 7..	T. E. Buck, timber cut 1893-94, sec. 16-141-35	21,375	60.00						60.00
June 8..	H. C. Ackley Lumber Co., timber cut 1893-94, sec. 16-55-22	21,346	58.46						58.46
June 9..	Menahga Lumber Co., timber cut 1893-94, sec. 16-138-35	21,378	50.55						50.55
June 11..	T. D. Sutherland, timber cut 1893-94, sec. 16-47-16	21,135	786.69						786.69

June 11..	T. D. Sutherland, timber cut 1893-94, sec. 36-47-16	21,134	268.35					268.35
June 11..	A. H. Powers, timber cut 1892-93, sec. 2-56-22	20,561			2,016.04			2,016.04
June 11..	H. B. Frey, timber cut 1893-94, sec. 30-138-30	21,384				8.30		8.30
June 14..	Dennis Boyle, balance timber cut 1893-94, sec. 16-43-19	20,397	1,000.00					1,000.00
June 25..	James Mulvey, timber cut 1893-94, sec. 36-42-25	21,209	125.00					125.00
June 26..	G. Hardman, timber cut 1893-94, sec. 36-46-24	22,766	64.72					64.72
June 26..	Potter & Douglas, timber cut 1893-94, sec. 18-48-22	22,767				154.64		154.64
June 28..	C. A. Smith, timber cut 1893-94, sec. 8-53-22	21,300				98.45		98.45
June 28..	C. A. Smith, timber cut 1893-94, sec. 8-144-25	21,339				81.88		81.88
June 29..	F. W. Bonness, timber cut 1893-94, sec. 16-56-27	21,332	27.44					27.44
June 29..	F. W. Bonness, timber cut 1893-94, sec. 16-55-26	21,331	79.18					79.18
July 2..	W. H. Laird, timber cut 1893-94, sec. 16-140-27	21,268	4,870.00					4,870.00
July 2..	A. E. Horr, timber cut 1893-94, sec. 36-135-30	21,337	329.24					329.24
July 2..	A. E. Horr, timber cut 1893-94, sec. 36-137-31	21,336	483.21					483.21
July 2..	Gull River Lumber Co., timber cut 1893-94, sec. 16-137-31	21,338	949.74					949.74
July 5..	M. McCarthy, timber cut 1893-94, sec. 16-57-23	21,281	858.52					858.52
July 7..	R. W. Whiteside, timber cut 1893-94, sec. 16-62-13	21,222	2,456.74					2,456.74
July 7..	Robt. Whiteside, timber cut 1893-94, sec. 36-64-11	21,273	1,757.87					1,757.87
July 11..	Jas. M. Walsh, timber cut 1893-94, sec. 16-42-23	21,211	53.10					53.10
July 11..	Hodgden & McDonald, timber cut 1893-94, sec. 34-46-28	22,799				113.76		113.76
July 11..	Wm. Deary, account timber cut 1893-94	21,194	2,000.00					2,000.00
July 13..	Fred. Pennington, timber cut 1893-94, sec. 16-43-24	21,208	624.35					624.35
July 14..	Soper & Ruenery, timber cut 1893-94, sec. 30-62-23	21,217					266.66	266.66
July 19..	A. B. Ferro, timber cut 1893-94, sec. 24-52-24	22,800					50.58	50.58
July 24..	Wm. Deary, balance timber cut 1893-94, sec. 16-149-23	21,194	634.96					634.96
July 24..	Wm. Deary, timber cut 1893-94, sec. 36-63-24	21,218	537.11					537.11
July 24..	Wm. Deary, timber cut 1893-94, secs. 30 and 31-60-25	21,220	1,402.15					1,402.15
July 24..	J. B. Kehl, timber cut 1893-94, sec. 16-59-20	21,192	6,473.16					6,473.16
July 25..	C. H. Davis, timber cut 1893-94, sec. 34-57-21	22,876	8,330.07					8,330.07
July 25..	C. H. Davis, timber cut 1893-94, sec. 16-57-21	22,875	21,157.07					21,157.07
July 28..	A. B. Cole, timber cut 1893-94, sec. 16-133-29	22,913	19.48					19.48
May 19..	M. Thomas, account timber cut 1893-94	18,893	1,000.00					1,000.00
May 28..	F. L. Gilbert, account timber cut 1893-94	21,191	500.00					500.00
June 20..	M. Thomas, account timber cut 1893-94	18,893	500.00					500.00
June 25..	F. D. Merrill, account timber cut 1893-94	21,302	1,000.00					1,000.00
July 5..	Sam'l. Mathews, account timber cut 1893-94	20,518	250.07					250.07
	Totals		$194,009.13	$419.52	$9,621.60	$12,497.94	$3,646.08	$1,308.49	$221,502.76

STATEMENT "D."

RECEIPTS INTO THE TREASURY FROM MINERAL LEASES ON STATE LANDS.

Date of Payment.	From What Source Received.	No. Auditor's draft.	Permanent School.	Permanent University.	Internal Improvement land fund	State Institutions fund.	Total.
1893.							
Aug. 1	Meanbi Chief Iron Co., contract No. 268	20,517	.....	$100.00	.....	.....	$100.00
Aug. 1	Biwabik Mt. Iron Co., contracts Nos. 206 to 217 incl. and Nos. 219 to 224 inc.	20,521	$1,800.00	.....	.....	.....	1,800.00
Aug. 1	Wahkootah Iron Co., contracts Nos. 159 and 160	20,522	200.00	.....	.....	.....	200.00
Aug. 1	Missabe Mt. Iron Co., contracts Nos. 49, 50, 51, 56 and 60	20,523	.....	.....	.....	$500.00	500.00
Aug. 1	Missabe Mt. Iron Co., contracts Nos. 57, 58, 59, 65 to 73 incl. and 75, 76, 78 and 80	20,524	1,600.00	.....	.....	.....	1,600.00
Aug. 1	Chas. F. Jewett, contract No. 233	20,528	.....	.....	.....	100.00	100.00
Aug. 3	N. C. Johnson and H. C. Johnson, mineral leases Nos. 1,951, 1,952 and 1,953	20,531	.....	.....	.....	75.00	75.00
Aug. 14	W. H. Angell and N. B. Thayer, contract No. 227	20,555	100.00	.....	.....	.....	100.00
Aug. 31	The North Star Iron Co., contracts Nos. 31, 110, 111, 112, 113, 115, 116, 117, 118 and 128	20,589	900.00	.....	$100.00	.....	1,000.00
Sept. 5	Derrison B. Smith, Jr., lease No. 1,954	20,593	25.00	.....	.....	.....	25.00
Sept. 8	Edward W. Wakelin, lease No. 230	20,604	100.00	.....	.....	.....	100.00
Sept. 8	Nicholas Pobeck, lease No. 240	20,605	100.00	.....	.....	.....	100.00
Sept. 9	D. Harrington, lease No. 1,955	20,598	25.00	.....	.....	.....	25.00
Sept. 12	Biwabik Mt. Iron Co., royalty, sec. 16-58 17	20,139	1,684.7	.....	.....	.....	1,681.78
Oct. 24	Missabe Mt. Iron Co., royalty, northeast ¼ sec. 8-58-17	20,628	4,634.5	.....	.....	.....	4,634.58
Oct. 24	Missabe Mt. Iron Co., royalty, northeast ¼ sec. 8-58-17	20,634	8,645.9	.....	.....	.....	8,645.98
Oct. 25	Bertram H. Eldred, leases Nos. 1,956 and 1,957	20,646	.....	50.00	.....	.....	50.00
Nov. 9	Biwabik Mt. Iron Co., royalty, northwest ¼ sec. 16-58-17	20,635	1,614.14	.....	.....	.....	1,614.14
Nov. 13	Hansen & Crosby, contract No. 320	20,694	100.00	.....	.....	.....	100.00
Nov. 28	Frank L. Krayenbuhl, lease No. 1,958	20,788	25.00	.....	.....	.....	25.00
Dec. 21	Wahkootah Iron Co., contracts Nos. 161 to 165 inclusive	20,849	500.00	.....	.....	.....	500.00
Dec. 21	Wm. C. Bond, leases	20,851	50.0	.....	.....	.....	50.00
Dec. 22	The Licking Mining Co., contracts Nos. 323, 324, 325 and 326	20,857	400.00	.....	.....	.....	400.00
Dec. 23	Biwabik Mt. Iron Co., royalty, northwest ¼ sec. 16-58-17	20,842	166.95	.....	.....	.....	166.95
Dec. 26	F. L. Krayenbuhl, leases Nos. 1,963 to 1,970 inclusive	20,880	200.00	.....	.....	.....	200.00
1894.							
Jan. 8	Joseph Roach, leases	20,856	200.00	.....	.....	.....	200.00
Jan. 8	Joseph Roach, leases	20,855	50.00	.....	.....	.....	50.00
Jan. 10	D. W. Brackett, contract No. 237	20,877	100.00	.....	.....	.....	100.00
Jan. 16	Itasca Iron Co., leases Nos. 41, 42, 43, 44, 45, 46 and 47	20,879	.....	700.00	.....	.....	700.00
Jan. 18	Chas. F. Jewett, lease No. 234	20,882	.....	.....	.....	100.00	100.00
Jan. 18	Missabe Monarch Iron Co., contract No. 137	20,891	.....	.....	.....	100.00	100.00
Jan. 23	Missabe Mt. Iron Co., royalty, northeast ¼ sec. 8-58-17	20,840	4,885.09	.....	.....	.....	4,885.09
Jan. 23	Missabe Mt. Iron Co., royalty, northeast ¼ sec. 8-58-17	20,821	13,158.30	.....	.....	.....	13,158.30
Jan. 25	E. L. Bradley, lease No. 1,971	20,894	.....	25.00	.....	.....	25.00
Feb. 1	Wm. C. Read, lease No. 1,973	20,908	.....	.....	.....	25.00	25.00
Feb. 1	Geo. L. Chesebrough and Wm. C. Bond, lease No. 1,974	20,900	25.00	.....	.....	.....	25.00
Feb. 1	Cons. Missabe Iron Co., contracts Nos. 166, 167, 168, 169, 170 and 171	20,903	600.00	.....	.....	.....	600.00
Feb. 1	E. L. Bradley, lease No. 1,972	20,907	.....	25.25	.....	.....	25.25

Feb.	2	Buckeye Iron Mining Co., leases Nos. 37, 38, 39 and 40	20,895	400.00			400.00
Feb.	5	Thos. B. Lewis, contract No. 327	20,902	100.00			100.00
Feb.	5	John A. Hanson, leases Nos. 1,975 to 1,983 inclusive	20,918	225.00			225.00
Feb.	12	Wm. F. Gore, contracts Nos. 328, 329 and 330	20,940			300.00	300.00
Feb.	16	S. G. Iverson, contract No. 331	20,943	100.00			100.00
Feb.	23	C. F. Arnold, lease No. 1,987	20,909	25.00			25.00
Feb.	23	Thos. B. Lewis, leases Nos. 1,984, 1,985 and 1,986	20,958	75.00			75.00
Mar.	1	I. A. Burnett, lease No. 2,002	20,982	25.00			25.00
Mar.	1	I. B. Baird, lease No. 2,003	20,983	25.00			25.00
Mar.	1	H. M. Aerter, lease No. 2,005	20,985	25.00			25.00
Mar.	1	Frank Hallner, lease No. 2,006	20,982	25.00			25.00
Mar.	1	L. E. Evans and W. C. Goforth, lease No. 2,007	20,988	25.00			25.00
Mar.	1	I. J. Porter, lease No. 1,988	20,974	25.00			25.00
Mar.	1	Myron W. Fields, leases Nos. 1,995, 1,996 and 1,997	20,980	75.00			75.00
Mar.	1	M. Shortall, lease No. 1,993	20,979	25.00			25.00
Mar.	1	R. M. Anderson, leases Nos. 1,992 and 1,994	20,978	50.00			50.00
Mar.	1	John McCarthy, lease No. 1,991	20,977	25.00			25.00
Mar.	1	C. L. Krayenbuhl, lease No. 2,004	20,981	25.00			25.00
Mar.	1	Chas. A. Moore, leases Nos. 1,998 to 2,001 inclusive	20,981	100.00			100.00
Mar.	1	Charles E. Mosier, lease No. 1,989	20,975	25.00			25.00
Mar.	1	Frank Hallner, lease No. 1,990	20,976	25.00			25.00
Mar.	2	Mountain Iron Co., leases Nos. 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92	20,996	1,200.00			1,200.00
Mar.	5	Thos. B. Lewis, leases Nos. 2,008 and 2,009	20,997	50.00			50.00
Mar.	10	Biwabik Mountain Iron Co., contracts Nos. 102, 103, 104 and 105	21,013	400.00			400.00
Mar.	10	John R. Ben, leases Nos. 2,010 to 2,013 inclusive	21,014	100.00			100.00
Mar.	14	Louis M. Delaney, leases Nos. 2,014 and 2,015	21,029	25.00		25.00	50.00
Mar.	15	John R. Ben, leases Nos. 2,016 and 2,017	21,030	50.00			50.00
Mar.	17	Henry J. Gjertsen, leases Nos. 2,018 to 2,045 inclusive	21,039	700.00			700.00
April	6	E. L. Fisher, leases Nos. 2,046 and 2,047	21,161		50.00		50.00
April	20	Rufus L. Clark, leases Nos. 2,048, 2,049 and 2,050	21,225		75.00		75.00
April	26	Rufus L. Clark, leases Nos. 2,051, 2,052 and 2,053	21,227			75.00	75.00
May	1	Rufus L. Clark, leases Nos. 2,054 and 2,055	21,244		50.00		50.00
May	5	Edward E. Lewis, lease No. 2,057	21,265	25.00			25.00
May	5	Chester S. Durfee, lease No. 2,056	21,264	25.00			25.00
May	15	Biwabik Mt. Iron Co., contracts Nos. 26, 27, 28 and 29	21,287	400.00			400.00
June	11	Biwabik Mt. Iron Co., contracts Nos. 206 to 224	21,336	1,800.00			1,800.00
June	18	Silas P. Hovey, leases Nos. 2,058 to 2,060 inclusive	22,718	100.00			100.00
June	23	Itasca Iron Co., leases Nos. 173 to 201 inclusive	22,777	1,900.00	1,000.00		2,900.00
July	27	Edward Florida, supt., royalty	22,924	31,906.50			31,906.50
July	28	The Meanbi Chief Iron Co., contracts Nos. 270 and 268	22,935	100.00	100.00		200.00
July	28	Geo. H. Crosby, etc., contract No. 282	22,936		100.00		100.00
July	30	Republic Iron Co., contract No. 157	22,940	100.00			100.00
July	30	Mountain Iron Co., contracts Nos. 166 to 171 inclusive	22,941	600.00			600.00
July	30	Missabe Mountain Iron Co., contracts Nos. 57, 58, 60 and 65 to 80 inclusive	22,944	1,800.00		100.00	1,900.00
July	30	Missabe Mountain Iron Co., contracts Nos. 40, 50, 51 and 56 inclusive	22,943			400.00	400.00
July	30	Mountain Iron Co., contracts Nos. 159, 160, 163, 164 and 165	22,942	500.00			500.00
		Totals		$85,256.27	$2,275.25	$100.00	$1,800.00	$89,431.52

STATEMENT "E."

RECEIPTS INTO TREASURY FROM MISCELLANEOUS SOURCES.

Date of Payment.	From What Source Received.	No. Draft.	Revenue.	Reform School.	Permanent School.	General School.	School Text Book Fund.	General University.	Grain Inspection.	Internal Improvement Fund.	Total.
1893.											
Aug. 1...	Minnesota Soldiers' Home, U. S. allowance	20,525	$3,876.50								$3,876.50
Aug. 1...	First hospital insane, miscellaneous	20,527	891.57								891.57
Aug. 1...	State university, miscellaneous	20,516						$3,255.98			3,255.98
Aug. 3...	Institute for defectives, miscellaneous	20,529	863.89								863.89
Aug. 4...	State public school, miscellaneous	20,533	244.65								244.65
Aug. 4...	Game and fish commission, fines	20,543	10.00								10.00
Aug. 5...	Reform school, miscellaneous receipts	20,544	60.00								60.00
Aug. 9...	Interest on Minn. funding bonds in school fund					$2,782.50					2,782.50
Aug. 9...	Interest on Minn. funding bonds in university fund							6,912.50			6,912.50
Aug. 10...	Soldiers' home, pensions	20,549	1,377.50								1,377.50
Aug. 10...	State prison	20,550	23,089.81								23,089.81
Aug. 22...	A. C. Clausen, grain inspection fees, July	20,577							$9,000.00		9,000.00
Aug. 23...	Interest on July deposits		5,290.82						124.26		5,415.08
Aug. 24...	F. P. Brown, secretary's fees, July	20,580	1,174.65								1,174.65
Aug. 24...	Game and fish commission, fines	20,581	20.00								20.00
Aug. 24...	Game and fish commission, fines	20,582	70.00								70.00
Aug. 24...	Game and fish commission, fines	20,584	10.00								10.00
Aug. 26...	M. D. Kenyon, public examiner's fees	20,583	70.00								70.00
Aug. 30...	Berndt Anderson, dairy commission licenses	20,588	100.00								100.00
Sept. 2...	M. D. Kenyon, public examiner's fees	20,590	80.00								80.00
Sept. 5...	Game and fish commission, fines	20,594	25.00								25.00
Sept. 8...	State prison, miscellaneous earnings	20,599	6,175.39								6,175.39
Sept. 11...	Interest on building bond No. 1				$50,000						50,000.00
Sept. 11...	M. D. Kenyon, building association fees					394.00					394.00
Sept. 18...	M. D. Kenyon, building Association fees	20,615	180.00								180.00
Sept. 18...	A. C. Clausen, grain inspection fees, August	20,614							8,000.00		8,000.00
Sept. 25...	Interest on August deposits		6,576.63						100.46		6,677.09
Sept. 27...	F. P. Brown, secretary's fees, August	20,620	466.55								466.55
Sept. 27...	Interest on August deposits, additional		118.17								118.17
Sept. 28...	M. D. Kenyon, public examiner's fees	20,621	20.00								20.00
Sept. 28...	M. D. Kenyon, public examiner's fees	20,617	10.00								10 00
Oct. 2...	Game and fish commission, fines	20,626	95.00								95.00
Oct. 2...	M. D. Kenyon, public examiner's fees	20,627	30.00								30.00
Oct. 5...	R. K. Doe, refunded expenses advanced		11.12								11.12
Oct. 5...	School for the deaf, miscellaneous receipts	20,629	.80								.80
Oct. 5...	M. D. Kenyon, public examiner's fees	20,630	20.00								20.00
Oct. 10...	Moorhead normal school, miscellaneous	20,633	152.30								152.30
Oct. 11...	M. D. Kenyon, public examiner's fees	20,637	10.00								10 00
Oct. 11..	State university, United States allowance	20,636						3,750.00			3,750.00
Oct. 14..	M. D. Kenyon, public examiner's fees	20,643	10.00								10.00
Oct. 16..	Account interest on October deposits		4.20								4.20

Oct. 17...	A. C. Clausen, grain inspection fees	20,645						14,500.00			14,500.00
Oct. 17...	State prison, miscellaneous earnings	20,644	4,206.57								4,206.57
Oct. 25...	F. P. Brown, secretary's fees	20,647	693.40								693.40
Oct. 26...	Interest on September deposits	.....	6,274.79						116.77		6,391.56
Oct. 27...	M. D. Kenyon, public examiner's fees	20,646	10.00								10.00
Oct. 27...	Game and fish commission, fines	20,649	100.00								100.00
Nov. 3...	G. N. Ry. Co., account Red River Val. drainage	.....	6,250.00								6,250.00
Nov. 6...	Winona normal school, miscellaneous receipts	20,656	1,222.65								1,222.65
Nov. 7...	M. D. Kenyon, public examiner's fees	20,671	10.00								10.00
Nov. 7...	St. Cloud normal school, miscellaneous receipts	20,667	563.00								563.00
Nov. 8...	State public school, miscellaneous receipts	20,674	13.60								13.60
Nov. 10...	M. D. Kenyon, public examiner's fees	20,688	10.00								10.00
Nov. 10...	State prison, miscellaneous earnings	20,687	4,069.58								4,069.58
Nov. 10...	Reform school, miscellaneous receipts	20,678	106.04								106.04
Nov. 11...	Rochester hospital, miscellaneous earnings	20,696	530.65								530.65
Nov. 13...	Interest on October deposits	.....	5,841.31						107.90		5,949.21
Nov. 13...	Institute for defectives, miscellaneous earnings	20,679	1,061.28								1,061.28
Nov. 13...	Game and fish commission, fines	20,712	10.00								10.00
Nov. 16...	Soldiers' home, United States allowance	20,717	4,686.25								4,686.25
Nov. 18...	A. C. Clausen, grain inspection fees	20,725	.....						20,500.00		20,500.00
Nov. 18...	Interest on October deposit, additional	.....	18.30								18.30
Nov. 20...	State university, miscellaneous earnings	20,700	.....					22,811.51			22,811.51
Dec. 4...	F. P. Brown, secretary's fees	20,810	548.45								548.45
Dec. 4...	Soldiers' home, miscellaneous receipts	20,813	1,724.00								1,724.00
Dec. 9...	State prison, miscellaneous receipts	20,828	16,099.41								16,099.41
Dec. 9...	Dairy and food commission, fines	20,829	25.00								25.00
Dec. 12...	Game and fish commission, fines	20,835	5.00								5.00
Dec. 13...	F. P. Brown, secretary's fees	20,836	97.30								97.30
Dec. 18...	St. Peter hospital, miscellaneous receipts	20,841	912.44								912.44
Dec. 18...	Interest on November deposits	.....	4,064.10						88.03		4,152.13
Dec. 20...	M. D. Kenyon, building society fees	20,847	10.00								10.00
Dec. 21...	A. C. Clausen, grain inspection fees	20,850	.....						17,000.00		17,000.00
Dec. 23...	M. D. Kenyon, public examiner's fees	20,858	10.00								10.00
Dec. 23...	Minnesota Iron Co., tax	20,840	3,678.32								3,678.32
Dec. 23...	Chandler Iron Co., tax	20,843	4,353.80								4,353.80
Dec. 26...	Canton Iron Co., tax	20,844	243.80								243.80
Dec. 27...	Reformatory, miscellaneous receipts	20,861	5,976.60								5,976.60
1894.											
Jan. 8...	M. D. Kenyon, public examiner's fees	20,866	20.00								20.00
Jan. 8...	Minnesota Canal Co., right of way	.....	.....		1,050	8.67					1,058.67
Jan. 9...	Moorhead normal school, miscellaneous receipts	20,875	212.83								212.83
Jan. 10...	Le Sueur Co., refunded wolf bounty	.....	6.66								6.66
Jan. 10...	Interest due January 1, 1894, Tenn., 8 per cent bonds in school and university funds	.....	.....			34,650.00		1,350.00			36,000.00
Jan. 13...	State prison, miscellaneous earnings	20,878	5,202.93								5,202.93
Jan. 13...	Commercial bank, Minneapolis, interest	.....	93.35								93.35
Jan. 16...	State university, United States allowance	20,880	.....					3,750.00			3,750.00
Jan. 19...	H. W. Foote, oil inspection fees	20,886	2,199.02								2,199.02
Jan. 20...	A. C. Clausen, grain inspection fees	20,888	.....						9,000.00		9,000.00
Jan. 20...	M. D. Kenyon, building association fees	20,887	10.00								10.00
Jan. 20...	Game and fish commission, fines	20,890	90.00								90.00
Jan. 20...	Western Union Telegraph Co., tax	20,867	13,310.00								13,310.00
Jan. 20...	National Farmers' bank, Owatonna, interest	.....	20.47								20.47

STATEMENT "E."— *Continued.*

Date of Payment.	From What Source Received.	No. Draft	Revenue.	Reform School.	Permanent School.	General School.	School Text Book Fund.	General University.	Grain Inspection.	Internal Improvement Fund.	Total.
18 4.											
Jan. 22...	Interest on deposits	.....	$3,914.92	.....	.....	.....	.....	.....	$88.35	.....	$4,003.27
Jan. 23...	Game and fish commission, fines	20,892	59.75	.....	.....	.....	.....	.....	.....	.....	59.75
Jan. 23...	Soldiers' home, pensions	.....	2,297.00	.....	.....	.....	.....	.....	.....	.....	2,297.00
Jan. 27...	F. P. Brown, secretary's fees	20,898	202.80	.....	.....	.....	.....	.....	.....	.....	202.80
Jan. 29...	M. D. Kenyon, public examiner's fees	20,900	10.00	.....	.....	.....	.....	.....	.....	.....	10.00
Feb. 6...	Institute for defectives, miscellaneous receipts	20,919	1,805.21	.....	.....	.....	.....	.....	.....	.....	1,805.21
Feb. 6...	Soldiers' home, miscellaneous receipts	20,923	5,888.00	.....	.....	.....	.....	.....	.....	.....	5,888.00
Feb 8...	Fergus Falls hospital, miscellaneous receipts	20,928	53.15	.....	.....	.....	.....	.....	.....	.....	53.15
Feb. 8...	St. Cloud normal school, miscellaneous receipts	20,927	720.50	.....	.....	.....	.....	.....	.....	.....	720.50
Feb. 9...	Winona normal school, miscellaneous receipts	20,932	1,206.01	.....	.....	.....	.....	.....	.....	.....	1,206.01
Feb. 9...	Reform school, miscellaneous receipts	20,934	65.12	.....	.....	.....	.....	.....	.....	.....	65.12
Feb. 13...	St. Peter hospital, miscellaneous receipts	20,941	1,315.18	.....	.....	.....	.....	.....	.....	.....	1,315.18
Feb 13...	State prison, miscellaneous receipts	20,944	15,651.81	.....	.....	.....	.....	.....	.....	.....	15,651.81
Feb. 14...	Northwestern Telephone Exchange, tax	20,859	6,655.00	.....	.....	.....	.....	.....	.....	.....	6,655.00
Feb. 15...	F. P. Brown, secretary's fees	20,949	127.23	.....	.....	.....	.....	.....	.....	.....	127.23
Feb. 15...	M. D Kenyon, public examiner's fees	20,950	10.00	.....	.....	.....	.....	.....	.....	.....	10 0)
Feb. 16...	Rochester hospital, miscellaneous receipts	20,958	1,382.23	.....	.....	.....	.....	.....	.....	.....	1,382.23
Feb. 19...	A. C. Clausen, grain inspection fees	20,964	.....	.....	.....	.....	.....	.....	7,000.00	.....	7,000.00
Feb. 21...	Interest on January deposits	.....	3,612.63	.....	.....	.....	.....	.....	82.37	.....	3,695.0)
Mar. 3...	State public school, miscellaneous earnings	20,998	35.29	.....	.....	.....	.....	.....	.....	.....	35 29
Mar. 5...	First National bank, Appleton, interest	.....	13.79	.....	.....	.....	.....	.....	.....	.....	13.79
Mar. 5...	State university, miscellaneous receipts	20,962	.....	.....	.....	.....	.....	$19,153.40	.....	.....	19,153.40
Mar. 6...	F. P. Brown, secretary's fees	21,000	170.15	.....	.....	.....	.....	.....	.....	.....	170.15
Mar. 9...	State prison, miscellaneous receipts	21,005	1,177.91	.....	.....	.....	.....	.....	.....	.....	1,177.91
Mar. 13...	Interest on February deposits	.....	3,460.23	.....	.....	.....	.....	.....	62.03	.....	3,522.26
Mar. 17...	A. C. Clausen, grain inspection fees	21,040	.....	.....	.....	.....	.....	.....	5,600.00	.....	5,600.00
Mar. 17...	State university, miscellaneous receipts	21,038	.....	.....	.....	.....	.....	242.26	.....	.....	242.2)
Mar. 31...	Merchants bank, Sleepy Eye, interest on deposit	.....	17.35	.....	.....	.....	.....	.....	.....	.....	17.35
April 6...	State prison, miscellaneous receipts	21,160	12,997.66	.....	.....	.....	.....	.....	.....	.....	12,997.66
April 7...	F. P. Brown, secretary's fees	21,165	138.75	.....	.....	.....	.....	.....	.....	.....	138.75
April 9...	Game and fish commission, fines	21,171	70.00	.....	.....	.....	.....	.....	.....	.....	70.00
April 9...	Dairy and food commission, fines	.....	20.00	.....	.....	.....	.....	.....	.....	.....	20.00
April 13...	F. N. Ry. Co., account Red river drainage	21,186	6,250.00	.....	.....	.....	.....	.....	.....	.....	6,250.00
April 14...	Game and fish commission, fines	21,195	432.23	.....	.....	.....	.....	.....	.....	.....	432.23
April 17...	State university, United States allowance	21,201	.....	.....	.....	.....	.....	3,750.00	.....	.....	3,750.00
April 17...	Moorhead normal school, miscellaneous receipts	21,200	160.30	.....	.....	.....	.....	.....	.....	.....	160.30
April 17...	Interest on March deposits	.....	4,428.10	.....	.....	.....	.....	.....	66.78	.....	4,494.88
April 19...	Duluth Telephone Co., tax	20,870	618.75	.....	.....	.....	.....	.....	.....	.....	618.75
April 20...	A. C. Clausen, grain inspection fees	21,224	.....	.....	.....	.....	.....	.....	6,000.00	.....	6,000.00
April 20...	Marshall county school text books	18,182	.....	.....	.....	.....	$850.22	.....	.....	.....	850.22
May 1...	Game and fish commission, fines	21,245	10.00	.....	.....	.....	.....	.....	.....	.....	10.00
May 2...	St. Cloud normal school, miscellaneous earnings	21,250	430.00	.....	.....	.....	.....	.....	.....	.....	430.00
May 2...	Mankato normal school, miscellaneous earnings	21,251	836.90	.....	.....	.....	.....	.....	.....	.....	836.90
May 3...	U. S. government, 5 per cent on land collections	21,254	.....	.....	.....	.....	.....	.....	.....	$7,677.60	7,677.60
May 5...	Reform school, miscellaneous earnings	21,262	285.66	.....	.....	.....	.....	.....	.....	.....	285.66
May 5...	Winona normal school, miscellaneous earnings	21,263	1,610.89	.....	.....	.....	.....	.....	.....	.....	1,610.89
May 9...	F. P. Brown, secretary's fees	21,283	70.40	.....	.....	.....	.....	.....	.....	.....	70.40
May 10...	State university, miscellaneous receipts	21,291	.....	.....	.....	.....	.....	6,349.95	.....	.....	6,349.95
May 11...	State prison, miscellaneous receipts	21,284	4,407.97	.....	.....	.....	.....	.....	.....	.....	4,407.97
May 12...	Institute for defectives, miscellaneous receipts	21,285	2,200.23	.....	.....	.....	.....	.....	.....	.....	2,200.23
May 15...	Fergus Falls hospital, miscellaneous receipts	21,286	171.24	.....	.....	.....	.....	.....	.....	.....	171.24

May 15...	Soldiers' home, United States allowance	21,288	6,676.50								6,676.50
May 16...	St. Peter hospital, miscellaneous earnings	21,294	1,249.41								1,249.41
May 17...	Rochester hospital, miscellaneous earnings	21,295	1,017.15								1,017.15
May 21...	Interest on April deposits	.....	4,471.15						77.57		4,548.72
May 22..	City of St. Paul, public examiner's fees	21,319	69.00								69.00
May 25...	A. C. Clausen, grain inspection fees	21,335	.....						7,000.00		7,000.00
May 26...	North American Telegraph Co., tax	20,868	1,210.00								1,210.00
May 26...	D. A. Monfort, treasurer world's fair commission unexpended appropriation	.....	15,000.00								15,000.00
May 26...	Interest on rev. and bldg. bds. in school fund	.....	.....			6,666.67					6,666.67
May 26...	Interest on rev. and bldg. bds. in university fund	.....	.....			.....		1,333.33			1,333.33
May 26...	Interest on funding bonds in university fund	.....	.....			.....		5,250.00			5,250.00
May 26...	Interest on funding bonds in school fund	.....	.....			2,782.50					2,782.50
June 5...	Jos. Bobleter, treas., account reform school lots	21,372	.....	$2,349.82		.....					2,349.82
June 12...	State prison, miscellaneous earnings	21,396	4,554.25			.....					4,554.25
June 13...	Blair & Co., refunded interest on bonds	.....	.....			185.62		101.71			287.33
June 16...	Soldiers' home, miscellaneous earnings	22, 13	2,286.40								2,286.40
June 18...	Interest on May deposits	.....	4,415.43						90.00		4,505.43
June 20...	A. C. Clausen, grain inspection fees	22,725	.....						7,700.00		7,700.00
June 20...	Game and fish commission, fines	22,727	120.00								120.00
June 21...	Moorhead normal school, miscellaneous receipts	22,732	149.73								149.73
June 22...	F. P. Brown, secretary's fees	22,759	196.65								196.65
June 28...	Citizens' bank, New Ulm, June interest	.....	11.00								11.00
July 2...	Jos. Bobleter, treas., account reform school lots	22,801	.....	8,691.00							8,691.00
July 2...	Interest on Tennessee 3 per cent bonds in school and university funds	.....	.....			34,650.00		1,350.00			36,000.00
July 5...	M. D. Kenyon, public examiner's fees	22,824	1,930.00								1,930.00
July 6...	Winona normal school, miscellaneous receipts	22,839	236.42								236.42
July 7...	St. Cloud normal school, miscellaneous receipts	22,876	124.74								124.74
July 11...	Reform school sale of boiler	22,860	75.00								75.00
July 11...	M. D. Kenyon, bank examiner's fees	22,865	230.00								230.00
July 11...	Game and fish commission, fines	22,858	60.00								60.00
July 11...	Reformatory, miscellaneous receipts	22,868	241.98								241.98
July 13...	State prison, miscellaneous receipts	.....	6,921.18								6,921.18
July 19...	F. P. Brown, secretary's fees	22,899	119.35								119.35
July 19...	M. D. Kenyon, bank examiner's fees	22,901	55.00								55.00
July 20...	A. C. Clausen, grain inspection fees	22,906	.....	750.11					8,000.00		8,000.00
July 21...	Rochester hospital, miscellaneous receipts	22,907	1,346.38								1,346.38
July 21...	Jos. Bobleter, treas., account reform school lots	22,909	.....								750.11
July 25...	Interest on June deposit	.....	3,515.09						50.00		3,565.09
July 25...	State university, United States allowance	22,919	.....					20,000.00			20,000.00
July 27...	Mankato normal school, miscellaneous receipts	22,922	1,723.60								1,723.60
July 27...	State public school, miscellaneous receipts	22,923	96.40								96.40
July 27...	Dairy and food commission, fines	22,925	20.00								20.00
July 27...	Game and fish commission, fines	22,926	10.00								10.00
July 30...	Biwabik Mountain Iron Co., tax	22,939	138.57								138.57
July 30...	Mountain Iron Co., tax	.....	1,194.41								1,194.41
July 30...	A. Biermann, auditor, grass sales 1898	22,947	1,232.86								1,232.86
	Total	.....	$291,502.42	$11,790.93	$51,050	$82,060.96	$850.22	$99,360.04	$120,354.52	$7,677.60	$664,656.29

STATEMENT "F." Receipts from Incorporation Fees.

1893.			
Aug.	2.	Fidelity Bond Investment Company, fee	$50.00
Aug.	7.	Hazel Park Improvement Company, fee	75.00
Aug.	10.	Sunrise Realty Company, fee	50.00
Aug.	12.	Casco Club, fee	50.00
Aug.	14.	Oneida Building Company, fee	80.00
Aug.	15.	State Bank of Annandale, fee	50.00
Aug.	16.	First State Bank of Tracy, increase	5.00
Aug.	17.	Bank of Waterville, fee	50.00
Aug.	18.	W. A. Barnes & Co., fee	50.00
Aug.	18.	M. J. Lenihan Mercantile Company, fee	50.00
Aug.	21.	The Mortgage Company of St. Paul, fee	50.00
Aug.	21.	C. C. Clement Hardware Company, fee	50.00
Aug.	21.	Minneapolis Chair Company, fee	50.00
Aug.	22.	Mercantile Commission Company, fee	50.00
Aug.	24.	The Brunswick Company, fee	50.00
Aug.	25.	The Minneapolis Supply Company, fee	75.00
Aug.	30.	The Farmers Elevator Company of St. Peter, fee	50.00
Sept.	1.	Richard Chute Company, fee	75.00
Sept.	1.	Chute Brothers Company, fee	125.00
Sept.	5.	Bankers Investment Company, fee	50.00
Sept.	5.	Winona & Dakota Grain Company, increase	50.00
Sept.	8.	Capital Consol Company, fee	50.00
Sept.	9.	Lovering Shoe Company, fee	65.00
Sept.	9.	Marsh & Bartlett Insurance Agency, fee	50.00
Sept.	13.	Gladstone Electric Light and Power Company, fee	50.00
Sept.	15.	Albert Lea Mercantile Company, fee	50.00
Sept.	18.	Boston Northwest Real Estate Company, increase	125.00
Oct.	5.	The Vart Hem Publishing Company, fee	50.00
Oct.	5.	Wagner Express Company, fee	50.00
Oct.	5.	Skordemannen Publishing Company, fee	50.00
Oct.	7.	Minnehaha Investment Union, fee	75.00
Oct.	14.	H. F. Legg Jewelry Company, fee	50.00
Oct.	14.	Northern Land and Loan Company, fee	225.00
Oct.	17.	Lyman Bros. Company, fee	275.00
Oct.	20.	McKinley Townsite Company, fee	50.00
Oct.	23.	Eustice Loan and Realty Company, fee	75.00
Oct.	25.	Minnesota Fuel Company, fee	50.00
Oct.	25.	Northfield Light, Heat and Power Company, fee	50.00
Oct.	25.	Standard Sash and Door Company, increase	5.00
Oct.	27.	Stewartville Co-operative Shipping Company, fee	50.00
Oct.	27.	Electric Motor Company, fee	75.00
Oct.	28.	Magnolia Mercantile and Elevator Company, fee	50.00
Oct.	31.	Murray-Woodard Lumber Company, fee	50.00
Nov.	1.	Deere & Webber Company, fee	100.00
Nov.	6.	Zenith Elevator Company, fee	50.00
Nov.	7.	Dean & Co., fee	75.00
Nov.	9.	Minnehaha Grocery Company, fee	50.00
Nov.	10.	Railway Supply Company, fee	50.00
Nov.	10.	Rock County News Publishing Company, fee	50.00
Nov.	11.	Connecticut Investment Company, increase	5.00
Nov.	11.	Farm Land Company, increase	5.00
Nov.	11.	Farm Investment Company, increase	5.00
Nov.	11.	Union Investment Company, increase	5.00
Nov.	11.	Central Investment Company, increase	5.00
Nov.	15.	German-American Bank, Wells, fee	50.00
Nov.	17.	J. L. Stack Company, fee	50.00
Nov.	23.	Thurston Cold Storage and Warehouse Company, increase	10.00
Nov.	23.	Sawyer Grain Company, fee	50.00
Nov.	24.	Lumbermans State Bank, fee	50.00
Nov.	24.	Twin City Bedding Company, fee	50.00
Nov.	25.	City Railway Company of Duluth, fee	325.00
Nov.	27.	Scott County Bank, Jordan, fee	50.00
Nov.	29.	St. Anthony Falls Bank, increase	60.00
Dec.	4.	Virginia Light and Water Company, increase	15.00
Dec.	4.	Plumas Imperial Gold Mining Company, fee	275.00
Dec.	4.	E. M. Hallowel Company, fee	50.00
Dec.	8.	First State Bank, Grand Rapids, fee	50.00
Dec.	11.	Altemonte Water Company, fee	50.00
Dec.	12.	Bank of Dassel, fee	50.00
Dec.	14.	J. J. Howe Lumber Company, fee	175.00
Dec.	16.	St. Paul Implement Company, fee	50.00
Dec.	20.	Glucks Brewing Company, fee	125.00
Dec.	22.	Biwango Mining Company, fee	50.00
Dec.	22.	Farmers Mercantile Company, fee	65.00
Dec.	23.	Minneapolis Paper Company, fee	50.00
Dec.	26.	Wright, Barrett & Stilwell Company, fee	75.00
Dec.	26.	Diamond Co-operative Creamery Company, fee	50.00
Dec.	26.	Thomas Bros. & Co., fee	50.00
Dec.	26.	United Real Estate Corporation, fee	275.00
1894.			
Jan.	2.	Northwestern Revolving Door Company, fee	50.00
Jan.	3.	Norton Milling Company, fee	50.00
Jan.	6.	Tontine Savings Association, fee	75.00
Jan.	8.	The C. and H. Grain Company, fee	50.00
Jan.	10.	Loyal American Publishing and Printing Company, fee	50.00

Jan.	12.	Charles W. Sexton Company, fee	50.00
Jan.	13.	Life Insurance Clearing Company, increase	15.00
Jan.	15.	Nelson-Regan Realty Company, fee	50.00
Jan.	17.	Thompson-Waugh Company, fee	50.00
Jan.	18.	Merrill Laundry Company, fee	50.00
Jan.	23.	The Base Ball Association, Minneapolis, fee	50.00
Jan.	25.	E. S. Woodworth & Co., fee	50.00
Jan.	26.	J. R. Hoffiin Company, fee	50.00
Jan.	26.	St. Paul Book and Stationery Company, fee	50.00
Jan.	27.	Consumers Gas Saving Company, fee	50.00
Jan.	27.	Northern Lumber Company, fee	50.00
Jan.	29.	Wyoming Investment Company, fee	50.00
Jan.	30.	Massait Tailoring Company, fee	50.00
Jan.	31.	Wagbrytaren Publishing Company, fee	50.00
Feb.	2.	Indian Medical Spring Water Company, fee	50.00
Feb.	2.	Mcinis Mining Company, fee	50.00
Feb.	2.	Fass & Lund Publishing Company, fee	50.00
Feb.	5.	Bank of Farmington, fee	50.00
Feb.	6.	Hafflin-Thompson Drug Company, fee	50.00
Feb.	10.	Globe Iron Company, fee	75.00
Feb.	10.	Dodson, Fisher & Brackman, fee	100.00
Feb.	10.	Berghalts Plumbing Company, fee	50.00
Feb.	12.	First State Bank, Le Sueur, fee	50.00
Feb.	14.	Sturgeon River Lumber Company, fee	50.00
Feb.	14.	Metropolitan Mining, Stock and Grain Company, fee	50.00
Feb.	17.	Hibbing Light and Water Company, fee	50.00
Feb.	17.	Madison Milling Company, fee	50.00
Feb.	24.	Rainy Lake Improvement Company, fee	75.00
Feb.	24.	James H. Bishop Company, fee	50.00
Feb.	27.	Stoddard Hardware Company, fee	50.00
Feb.	28.	S. G. Wightman Company of Duluth, fee	50.00
Mar.	1.	Canadian Pacific Mining and Milling Company, fee	275.00
Mar.	1.	Bates Pork Company, fee	50.00
Mar.	9.	Labor Problem Publishing Company, fee	50.00
Mar.	10.	Pioneer Press Company, increase	200.00
Mar.	12.	Auburn Iron Company, fee	225.00
Mar.	12.	Watonwan County Abstract Company, fee	50.00
Mar.	12.	Northwestern Comp-Board Company, fee	50.00
Mar.	13.	Itasca Mercantile Company, fee	50.00
Mar.	13.	Hanford Improvement Company, fee	50.00
Mar.	19.	Croonquist & Peterson Company, fee	50.00
Mar.	20.	P. V. Dwyer Bros. Company, fee	50.00
Mar.	24.	Commercial Bulletin Company, fee	50.00
Mar.	24.	Blanden Mill Company, fee	75.00
Mar.	28.	Haluert Drug Company, fee	50.00
Mar.	29.	Cox Brothers Provision Company, fee	50.00
Mar.	30.	Broderick Famechon Company, fee	50.00
Mar.	30.	Bixby Baking Company, fee	50.00
April	2.	South St. Paul Belt Line Railroad Company, fee	100.00
April	2.	Bevier Gold Mining and Milling Company, fee	175.00
April	5.	Columbian Shoe Company, increase	10.00
Ap.	5.	The Midland Company, fee	75.00
April	14.	Simpson-Jenkins Lumber Company, increase	25.00
April	17.	Minnesota Logging Company, fee	275.00
April	19.	Charles Canning Grain Company, fee	50.00
April	23.	Mountain Iron Water Company, fee	50.00
April	25.	Soo River Lighter and Wrecking Company, fee	50.00
April	26.	Evening Post Publishing Company, fee	50.00
April	26.	Butler-Ryan Company, fee	75.00
April	30.	Mercantile Warehousing Company, fee	90.00
April	30.	Duluth Barytes Company, fee	275.00
May	1.	Frederick & Kemp Company, fee	75.00
May	2.	Glencoe Mercantile Company, fee	50.00
May	3.	Union Metal and Brass Manufacturing Company, increase	25.00
May	7.	The Munson Shorthand Institute, fee	50.00
May	9.	Dakota County Land and Investment Company, fee	50.00
May	10.	Citizens State Bank, Monticello, fee	50.00
May	10.	British-American Investment Company, fee	75.00
May	18.	Peoples Theatre Building Company, fee	75.00
May	22.	Park Place Land Company, fee	50.00
May	28.	George A. Momaw Company, fee	50.00
May	31.	Thompson Brothers Company, fee	50.00
June	2.	Citizens State Bank, Slayton, fee	50.00
June	11.	Northern Baking Company, fee	50.00
June	12.	Ocean to Ocean Publishing Company, fee	50.00
June	13.	Interior Elevator Company, increase	50.00
June	16.	Northwestern Contract Company, fee	75.00
June	16.	Biwabik Bessemer Company, fee	50.00
June	18.	Security Bank of Faribault, fee	50.00
June	20.	Nye, Jenks & Co., fee	25.00
June	21.	Swedish Baptist Publishing Society, fee	50.00
June	21.	The G. E. Gee Grain Company, increase	5.00
June	23.	The Portland Company, fee	50.00
June	23.	Minnehaha Furniture Company, fee	50.00
June	25.	The Fred Schiek Company, fee	65.00
June	25.	Mercantile and Elevator Company, fee	50.00
June	27.	Local Investment Company, fee	50.00
June	27.	United Electric Company, fee	50.00
June	20.	Investors Syndicate, fee	50.00

June 29.	St. Paul Dry Goods Company, fee	50.00
July 2.	Duluth Cash Grocery Company, fee	50.00
July 2.	Security Bank of Zumbrota, fee	50.00
July 5.	United Dock Company, fee	50.00
July 6.	Minnesota General Store Company, fee	50.00
July 9.	Farmers Grain and Produce Company, fee	50.00
July 9.	Bradley & Hanford Lumber Company, fee	75.00
July 13.	State Bank of Halstead, fee	50.00
July 14.	St. Paul Refrigerator Car Company, fee	125.00
July 19.	Crookston Hotel Company, fee	50.00
July 23.	State Bank of Belle Plaine, fee	50.00
July 25.	Western Autographic Register Company, fee	75.00
July 27.	M. D. Cox Furniture Company, fee	50.00
July 27.	North Star Creamery Company, fee	50.00
Total		$12,215.00

STATEMENT "G."

RECEIPTS FROM PRINCIPAL AND INTEREST ON SCHOOL DISTRICT BONDS.

COUNTIES.	Principal.	Interest.	Total.
Aitkin	$100.00	$750.67	$850.67
Anoka	1,376.00	506.91	1,882.91
Becker	2,270.00	530.96	2,800.96
Benton	221.00	111.92	332.92
Big Stone	1,203.37	371.54	1,574.91
Blue Earth	1,760.00	1,784.70	3,544.70
Brown	183.50	100.28	283.78
Carlton	3,147.38	1,437.26	4,584.64
Carver	1,070.00	263.95	1,333.95
Chippewa	480.00	315.61	795.61
Chisago	1,485.00	502.06	1,987.06
Clay	125.00	199.90	324.90
Cook	450.00	52.50	502.50
Cottonwood	1,402.33	607.52	2,009.85
Crow Wing	180.00	1,632.38	1,812.38
Dakota	975.00	275.24	1,250.24
Dodge	408.00	93.79	501.79
Douglas	1,600.00	377.00	1,977.00
Faribault	2,192.24	935.92	3,128.16
Fillmore	815.00	428.75	1,243.75
Freeborn	1,000.00	331.71	1,331.71
Goodhue	1,300.00	370.79	1,670.79
Grant	1,175.00	640.12	1,815.12
Hennepin	2,691.37	1,796.83	4,488.20
Hubbard	575.00	96.25	671.25
Isanti	806.00	126.10	932.10
Jackson	1,200.00	557.68	1,757.68
Kanabec	200.00	32.55	232.55
Kandiyohi	9,170.00	1,153.76	10,323.76
Kittson	1,066.00	422.33	1,488.33
Lac qui Parle	475.00	94.12	569.12
Lake	2,000.00	725.00	2,725.00
Le Sueur	150.00	.....	150.00
Lincoln	430.00	135.02	565.02
Lyon	1,665.00	906.06	2,661.06
McLeod	3,180.00	405.25	3,585.25
Marshall	800.00	659.90	1,519.90
Martin	2,560.00	722.97	3,282.97
Meeker	830.00	530.08	1,360.08
Morrison	1,174.89	569.08	1,743.97
Mower	3,037.00	1,028.61	4,065.61
Murray	1,345.00	1,479.84	2,824.84
Nicollet	725.00	80.45	805.45
Nobles	2,380.00	987.94	3,367.94
Norman	2,284.50	678.49	2,962.99
Olmsted	.....	61.06	61.06
Otter Tail	3,995.50	2,905.53	6,901.03
Pine	2,354.63	869.85	3,224.48
Pipestone	1,198.00	757.22	1,955.22
Polk	2,138.00	1,285.79	3,423.79
Pope	2,055.00	620.44	2,675.44
Ramsey	850.00	1,311.24	2,161.24
Redwood	1,581.00	596.32	2,177.32
Renville	2,748.50	979.13	3,727.63
Rice	2,405.00	863.61	3,268.61
Rock	1,065.00	500.11	1,565.11
St. Louis	4,941.00	2,243.19	7,184.19
Sherburne	294.00	88.81	382.81
Sibley	3,225.00	484.65	3,709.65
Stearns	75.00	.....	75.00
Stevens	733.00	402.12	1,135.12
Swift	938.75	644.82	1,583.57

COTUNTIES.	Principal.	Interest.	Total.
Todd	1,750.00	484.24	2,234.24
Traverse	965.00	1,117.50	2,082.50
Wabasha	250.00	30.00	280 00
Wadena	350.00	100.03	450.03
Waseca	400.00	45.03	445.03
Watonwan	1,000.00	158.23	1,158.23
Wilkin	1,290.00	496.88	2,186.88
Winona	927.50	194.35	1,121.85
Wright	1,092.00	214.60	1,306.60
Yellow Medicine	1,115.00	520.33	1,635.33
Totals	$103,830.96	$43,924.57	$147,755.53

STATEMENT "H."

RECEIPTS INTO TREASURY FROM INSURANCE COMPANIES.

Date of Payment	From What Source Received.	No. Draft.	Fees.	Taxes.	Total.
1893.					
Sept. 2	C. H. Smith, insurance commissioner	20,592	$323.00		$323.00
Sept. 30	C. H. Smith, insurance commissioner	20,625	224.00		224.00
Oct. 31	C. H. Smith, insurance commissioner	20,650	210.00		210.00
Nov. 31	C. H. Smith, insurance commissioner	20,794	190.00		190.00
Dec. 30	C. H. Smith, insurance commissioner	20,865	178.00		178.00
1894.					
Feb. 1	C. H. Smith, insurance commissioner	20,905		$33,987.07	33,987.07
Feb. 1	C. H. Smith, insurance commissioner	20,906	4,111.00		4,111.00
Feb. 28	C. H. Smith, insurance commissioner	20,994		82,647.37	82,647.37
Feb. 28	C. H. Smith, insurance commissioner	20,996	6,739.00		6,739.00
April 30	C. H. Smith, insurance commissioner	21,238		17,826.33	17,826.33
April 30	C. H. Smith, insurance commissioner	21,239	2,117.00		2,117.00
April 30	C. H. Smith, insurance commissioner	21,240		5,112.38	5,112.38
April 30	C. H. Smith, insurance commissioner	21,241	680.00		680.00
May 31	C. H. Smith, insurance commissioner	21,354		1,275.62	1,275.62
May 31	C. H. Smith, insurance commissioner	21,855	539.00		539.00
June 30	C. H. Smith, insurance commissioner	22,798	263.00		263.00
	Totals		$15,524.00	$140,848.77	$156,372.77

TOTAL EXPENDITURES FROM AUGUST 1, 1893, TO JULY 31, 1894.

REVENUE FUND.

Assessors' fees, 1889	$15.40	Adjutant general, 1893	500.04
Selecting swamp lands, 1885	3,628.44	Treasurer, 1893	583.46
Grasshopper extermination, 1889	160.59	Public school agent, 1893	301.57
School for deaf support, 1891	944.01	Judge Supreme court, Dickinson, 1893	416.73
Prison improvements, 1891	907.06	Judge 4th district, Hooker, 1893	291.66
Gettysburg monument, 1891	4,092.00	Judge 5th district, Buckham, 1893	291.68
Seal of Minnesota, 1891	75.00	Judge 15th district, Holland, 1893	291.74
University pharmacy, 1891	1,808.46	Supreme court contingent, 1893	72.10
Moorhead normal school repairs, 1891	99.17	Dairy and food commission, 1893	168.68
University school of mines, 1891	1,413.40	High schools, 1893	800 00
Reformatory garden seed business, 1891	65.64	Public school libraries, 1893	170.43
Reformatory building and machinery, 1891	141.00	University library, 1893	99.30
Moorhead normal school furniture, 1891	10.72	Referees' fees, 1893	470.00
Moorhead normal school support, 1892	36.79	Public school support, 1893	245.42
School for the deaf support, 1892	803.45	Prison support, 1893	8,099.71
School for the feeble-minded support, 1892	836.22	School for the blind support, 1893	956.64
St. Peter hospital support, 1892	6,905.28	School for the feeble-minded support, 1893	6,332.20
Prison improvement, 1892	5,047.63	St. Peter hospital support, 1893	8,143.06
Prison tub and pail factory, 1892	4,437.00	Rochester hospital support, 1893	19,892.25
Prison revolving fund, 1892	39,727.18	Fergus Falls hospital support, 1893	5,295.27
Prison twine plant, 1892	342.00	Fergus Falls hospital repairs, 1893	1,000.00
St. Peter hospital building and improvements, 1892	8,813.77	Public school repairs, 1893	4.31
Reformatory improvements, 1892	3,016.73	Prison repairs, 1893	234.28
Third regiment, 1892	844.61	Fergus Falls hospital buildings, 1893	73,894.59
Fergus Falls hospital buildings, 1892	75.11	Institute for defectives buildings, 1893	11,472.84
Public school support, 1892	123.00	Public school buildings, 1893	9,644.77
Auditor and land commissioner's clerks, 1893	7.50	Stationery, 1893	316.82
		Horse thief bounties, 1893	3,600.00
		Telephone rent, 1893	25.00
		Fuel and lights, 1893	24.99
		Sheriffs' expenses, 1893	40.50
		National guard, 1893	9.23

Third regiment, 1893	2,156.65
Publishing war records, 1893	563.00
St. Cloud normal school buildings, deficiency, 1893	6,626.01
St. Peter hospital instruments, 1893	624.27
Auditor's vault fixtures, 1893	1,651.85
Rochester hospital instruments, 1893	524.29
Fergus Falls hospital artesian well, 1893	1,408.15
Fergus Falls hospital instruments, 1893	147.25
School for the deaf gymnasium and library, 1893	650.00
School for the blind instruments, 1893	1,308.69
Reformatory diversified labor, 1893	10,393.93
Reformatory library, 1893	773.15
Reformatory live stock and machinery, 1893	237.05
St. Peter hospital buildings, 1893	10,000.00
Rochester hospital buildings, 1893	11,000.00
School for the deaf buildings, 1893	3,596.75
School for the feeble-minded buildings, 1893	32,164.37
Public school buildings, 1893	580.46
Reform school improvements, 1893	7,719.24
Geological survey, 1893	9,506.71
Historical Society vault room, 1893	200.00
Becker county reimbursement, 1893	980.00
State dairymen's association, 1893	1,000.00
Indexing records, secretary's office, 1893	300.00
Wolf bounty deficiency, 1893	268.31
Binding law books, 1893	23.10
Gettysburg monument tablets, 1893	200.00
Public school support deficiency, 1893	637.17
Bureau of labor, 1893	726.86
Capitol commission, 1893	1,060.20
Chicamauga and Chattanooga monument, 1893	14,091.95
Red river valley drainage commission, 1893	30,945.21
Selecting swamp lands, 1893	8,291.49
Game and fish commission, 1893	3,100.00
Coal committee defense, 1893	691.58
County training schools, 1893	5,007.19
Soldiers' home hospital, 1893	18,489.16
Camp Release monument, 1893	2,449 83
Legislative expenses, 1893	6,250.24
Governor's contingent deficiency, 1893	762.73
Governor, 1894	5,000.00
Governor's private secretary, 1894	1,375.09
Governor's clerk, 1894	1,800.00
Governor's stenographer, 1894	900.00
Governor's messenger, 1894	720.00
Auditor and land commissioner, 1894	3,600.00
Deputy auditor	2,500.00
Auditor's accountant, 1894	1,500.00
Auditor's extra clerks, 1894	965.00
Auditor and land commissioner's clerks, 1894	2,492.50
Land clerk, 1894	1,500.00
Assistant land clerk, 1894	1,225.00
Adjutant general, 1894	2,000.00
Adjutant general's clerk, 1894	1,300.00
Adjutant general's stenographer, 1894	800.00
Attorney general, 1894	3,258.26
Assistant attorney general, 1894	2,066.74
Attorney general's clerk	1,500.00
Attorney general's stenographer, 1894	850.00
Insurance commissioner, 1894	2,500 00
Deputy insurance commissioner, 1894	1,500.00
Insurance commissioner's extra clerks, 1894	1,200.00
Librarian, 1894	2,000.00
Assistant librarian, 1894	900.00
Military storekeeper, 1894	1,300.00
Public examiner, 1894	3,500.00
Deputy public examiner, 1894	1,800.00
Secretary of state, 1893	291.71
Secretary of state, 1894	3,500.00
Assistant secretary and statistician, 1894	2,000.00
Secretary's clerk, 1893	65.00
Secretary's clerk, 1894	1,500.00
Recording clerk, 1894	1,000.00
Superintendent public instruction, 1894	2,291.67
Assistant superintendent public instruction, 1894	1,575.00
Public instruction clerks, 1894	1,859.33
Treasurer, 1894	3,500.00
Deputy treasurer, 1894	1,800.00
Treasurer's clerk, 1894	1,200.00
Treasurer's extra clerk, 1894	900.00
Engineer, 1894	1,500.00
Assistant engineer, 1894	300.00
Fireman and laborer, 1894	900.00
Janitor, 1894	1,200.00
Extra janitors, capitol, 1894	2,376.40
Messenger, 1894	600.00
Supreme court clerk, 1893	125.00
Supreme court clerk, 1894	1,500.00
Deputy clerk supreme court, 1893	83.37
Deputy clerk supreme court, 1894	1,000.00
Supreme court janitor, 1894	900.00
Supreme court marshal, 1894	800.00
Supreme court reporter, 1894	1,125.00
Public school agent, 1894	2,790.54
Judge supreme court, James Gilfillan, 1893	416.74
Judge supreme court, James Gilfillan, 1894	4,583.26
Judge supreme court, Thos. Canty, 1894	2,499.96
Judge supreme court, C. E. Vanderbergh, 1894	2,500.02
Judge supreme court, Wm. Mitchell, 1894	5,000.00
Judge supreme court, L. W. Collins, 1893	416.73
Judge supreme court, L. W. Collins, 1894	5,000.00
Judge supreme court, D. A. Dickinson, 1894	833.32
Judge supreme court, Daniel Buck, 1894	4,166.60
Judge 1st district, W. C. Williston, 1893	291.74
Judge 1st district, W. C. Williston, 1894	3,208.26
Judge 1st district, F. M. Crosby, 1893	291.74
Judge 1st district, F. M. Crosby, 1894	3,208.26
Judge 2d district, J. W. Willis, 1894	3,500.00
Judge 2d district, H. R. Brill, 1893	291.74
Judge 2d district, H. R. Brill, 1893	3,208.26
Judge 2d district, J. J. Hagen, 1893	291.74
Judge 2d district, J. J. Hagen, 1894	3,208.26
Judge 2d district, Wm. L. Kelly, 1893	291.74
Judge 2d district, Wm. L. Kelly, 1894	3,208.26
Judge 2d district, Chas. D. Kerr, 1893	291.74
Judge 2d district, Chas. D. Kerr, 1894	3,208.26
Judge 2d district, Chas. Otis, 1893	291.74
Judge 2d district, Chas. Otis, 1894	3,208.26
Judge 3d district, Chas. M. Start, 1893	291.74
Judge 3d district, Chas. M. Start, 1894	3,208.26
Judge 4th district, Thos. Canty, 1894	1,750.04
Judge 4th district, C. B. Elliott, 1894	2,022.23
Judge 4th district, R. D. Russell, 1893	291.66
Judge 4th district, R. D. Russell, 1894	3,208.30
Judge 4th district, Chas. M. Pond, 1893	291.67
Judge 4th district, Chas. M. Pond, 1894	3,208.29
Judge 4th district, H. G. Hicks, 1893	291.74
Judge 4th district, H. G. Hicks,	

1894	3,208.26
Judge 4th district, Fred. Hooker, 1894	
Judge 4th district, Robt. Jamison, 1894	395.60
Judge 4th district, Seagrave Smith, 1893	2,741.60
Judge 4th district, Seagrave Smith, 1894	583.40
Judge 5th district, Thos. S. Buckham, 1894	3,208.26
Judge 6th district, M. J. Severance, 1893	3,208.32
Judge 6th district, M. J. Severance, 1894	291.74
Judge 7th district, D. B. Searle, 1893	3,208.26
Judge 7th district, D. B. Searle, 1894	291.72
Judge 7th district, L. L. Baxter, 1893	3,499.92
Judge 7th district, L. L. Baxter, 1894	291.74
Judge 8th district, Francis Cadwell, 1893	2,916.60
Judge 8th district, Francis Cadwell, 1894	291.74
Judge 9th district, B. F. Webber, 1893	3,208.26
Judge 9th district, B. F. Webber, 1894	291.72
Judge 10th district, Whytock, 1893	3,208.26
Judge 10th district, Whytock, 1894	291.66
Judge 11th district, O. P. Stearns, 1893	3,208.23
Judge 11th district, O. P. Stearns, 1894	291.73
Judge 11th district, J. D. Ensign, 1893	3,208.26
Judge 11th district, J. D. Ensign, 1894	291.74
Judge 11th district, Chas. L. Lewis, 1893	3,208.26
Judge 11th district, Chas. L. Lewis, 1894	291.68
Judge 12th district, Gorham Powers, 1893	3,208.26
Judge 12th district, Gorham Powers, 1894	291.74
Judge 13th district, P. E. Brown, 1893	3,208.26
Judge 13th district, P. E. Brown, 1894	291.74
Judge 14th district, Frank Ives, 1893	3,500.00
Judge 14th district, Frank Ives, 1894	3,208.30
Judge 15th district, G. W. Holland, 1894	583.39
Judge 16th district, C. L. Brown, 1893	3,208.26
Judge 16th district, C. L. Brown, 1894	571.37
Auditor's contingent, 1894	184.74
Library contingent, 1894	645.00
Secretary's contingent, 1894	93.25
Treasurer's contingent, 1893	850.00
Treasurer's contingent, 1894	967.64
Public instruction contingent, 1894	4,102.67
Public examiner's contingent, 1894	542.50
Insurance commissioner's contingent, 1894	200.00
Commissioner statistics contingent, 1894	410.00
Adjutant general's contingent, 1894	717.40
Supreme court contingent, 1894	54.55
Railroad and warehouse commission, 1893	14,504.13
Railroad and warehouse commission, 1894	1,400.00
Attorney general's contingent, 1894	14,306.58
Dairy and food commission, 1894	3,128.17
Governor's contingent, 1894	300.00
Lunacy commission, 1894	12,314.25
Bureau of labor, 1894	6,145.53
Board of health, 1894	933.01
Collecting vital statistics, 1894	1,185.45
Cattle diseases, 1894	
Board of equalization, 1894	1,799.40
Board of charities and corrections, 1893	161.10
Board of charities and corrections, 1894	5,852.91
Historical society, 1894	6,332.61
Horticultural society, 1894	500.00
State agricultural society, 1894	4,000.00
Southern Minnesota fair association, 1894	2,000.00
County agricultural societies, 1894	12,000.00
Teachers' institutes	7,000.00
High schools, 1894	35,383.13
County training schools, 1894	13,204.00
Public school libraries, 1894	4,364.74
Law library, 1894	1,944.09
Binding law books, 1894	210.96
State costs, 1894	241.80
Requisitions, 1894	28.49
Exchange of documents, 1894	97.80
Public school support	27,189.94
Winona normal school support, 1894	28,275.97
St. Cloud normal school support, 1894	23,511.07
Mankato normal school support, 1894	28,060.50
Moorhead normal school support, 1894	15,548.18
Soldiers' home support, 1894	62,051.38
Reform school support, 1894	45,214.10
Reformatory support, 1894	49,976.88
Prison support, 1894	97,346.91
School for the deaf support, 1894	46,081.02
School for the blind support, 1894	15,802.36
School for the feeble-minded support, 1894	62 000.79
St. Peter hospital support, 1894	172,519.19
Rochester hospital support, 1894	164,765.50
Fergus Falls hospital support, 1894	100,006.85
Secretary's extra clerks, 1894	600.00
St. Peter hospital repairs, 1894	5,000.00
Rochester hospital repairs, 1894	414.18
Fergus Falls hospital repairs, 1894	784.77
Soldiers' home repairs, 1894	1,500.00
Public school repairs, 1894	1,695.49
Reform school repairs, 1894	2,539.54
Reformatory repairs, 1894	1,138.10
Prison repairs, 1894	1,983.60
School for the deaf repairs, 1894	2,091.44
School for the blind repairs, 1894	537.61
School for the feeble-minded repairs, 1894	1,727.68
Repairs capitol, 1894	2,297.39
University buildings, 1894	114,330.10
Mankato normal school buildings, 1894	46,506.84
Moorhead normal school home, 1894	26,121.27
Winona normal school buildings, 1894	38,508.06
St. Peter hospital buildings, 1894	2,783.49
Rochester hospital buildings, 1894	20,423.00
Fergus Falls hospital buildings, 1894	36,663.33
School for the deaf buildings, 1894	3,675.75
School for the feeble-minded buildings, 1894	27,171.09
Public school buildings, 1894	13,981.15
Reformatory buildings, 1894	9,999.46
Paper and stationery, 1894	6,519.05
Selling state lands, 1894	7,514.03
State institutions insurance, 1894	15,975.05
Express and mileage, 1894	1,531.56
Rent of telephone, 1894	100.00
Register and receivers' fees, 1894	221.70
Fuel and lights, 1894	4,497.31
Printing, advertising and binding, 1894	29.214.55
Wolf bounties, 1894	13,558.03
Sheriffs' expenses, 1894	6,705.15
Burial soldiers and sailors, 1894	2,022.30
National guard, 1894	20,834.38
Third regiment, 1894	10,835.74
Farmers' institutes, 1894	10,000.00
Supreme court reports, 1894	3,775.00
Game and fish commission, 1894	19,087.32
Mining school instructor, 1894	3,600.00
Red river valley drainage commission, 1894	5,392.42

Capitol commission, 1894	2,510.93	Soldiers' home buildings, 1894	7,134.57
Interest on reform school loans, 1894	7,750.00	Distributing war records, 1894	543.62
Public examiner's fees, 1894	780.00	Mining taxes, 1894	4,137.96
Fire companies, 1894	38,701.89	Examining financial offices, St. Paul, 1894	69.00
County reassessment, 1894	6,507.08		
Prison tub and pail factory, 1894	26,705.31		
Land collection fees, 1894	5 85	Total	$2,425,128.21
Reform school loan, 1894	50,000.00		

SOLDIERS' RELIEF FUND.

Sundry warrants	$42,335.95

FORESTRY FUND.

Forestry association	850.53
Forestry bounties	17,100.48
	$17,951.01

REDEMPTION FUND.

Redemption of one bond	$50,000.00
Interest on revenue and building bonds	8,394.00
	$58,394.00

FUNDING TAX FUND.

Interest on Minnesota funding bonds	$59,727.50

PERMANENT UNIVERSITY FUND.

Alabama and Tennessee bonds purchased	777,062.00
Loans to school districts and counties	290,074.00
School land refundments	1,690.00
School bond refundments	50.00
	$1,068,816.00

GENERAL UNIVERSITY FUND.

October, 1893, and March, 1894, apportionment	$1,017,476.23
Accrued interest and premium on bonds	13,881.58
School land interest refundment	78.96
School bond interest refundment	10 00
Land collection fees to county treasurers	1,679.69
	$1,033,126.46

PERMANENT SCHOOL FUND.

Tennessee bonds purchased	$80,000.00

GENERAL SCHOOL FUND.

Support of state university	229,443.29
Accrued interest and premium on bonds	2,760 00
University land interest refundment	7.75
Land collection fees	127.24
	$232,338.28

INTERNAL IMPROVEMENT LAND FUND INTEREST.

Interest on railroad adjustment bonds	$44.37
Collection fees to county treasurers	.93
	$45.30

INTERNAL IMPROVEMENT FUND.

Stearns county road, 1891	$23.50
Mud creek bridge, 1891	250.00
Zumbro river bridge, Goodhue county, 1889	240.00
Preston bridge, Fillmore county, 1891	330.00
Roseau river bridge, Kittson county, 1891	600.00
Lincoln county road and bridge, 1891	600.00
Root river bridge, Lanesboro, 1885	200.00
Root river bridge, Houston county, 1891	800.00
Spring creek culvert and bridge, 1891	300.00
Crow creek bridge, sections 14 and 15, 1891	225.00
Crow river bridge, Meeker county, 1891	175.00
Crow river bridge, section 30, 1891	225.00
	$3,978.50

REFORM SCHOOL SALES AND BUILDINGS FUND.

Sundry warrants	$6,300.00

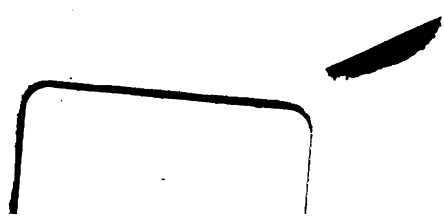
STATE INSTITUTIONS LAND FUND.

State institutions land refundment	583.78

GRAIN INSPECTION FUND.

Duluth elevator	1,820.00
Grain inspection department	159,880.00
	$161,700.00

Grand total	$5,100,419.99



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